

MARCH 17, 2008
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 17, 2008 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Jean Alberico Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

COUNTY MANAGER UPDATE: ED GREEN

Request for FTE in District Attorney office and transfer of budget – Martin Beeson, Charles Zelenka, Randy Bruns, office manager for the DA and Patsy Hernandez

Charles Zelenka, Martin Beeson, Randy Burns and Patsy Hernandez were present.

Martin Beeson submitted a memo to the Commissioners requesting a full time IT person in the District Attorney's (DA) office due to the demands on informational technology duties.

Patsy Hernandez, Finance Director submitted the request stating the change would be effective April 1, 2008 and would change the budgeted amount by approximately \$43,300 on the revenue side for IT.

Aaron Agee has been working ½ time for the DA and \$6,700 of the \$50,000 originally budgeted from other revenues will be spent.

Charles explained the working relationship and the need to make this change. Growth in the west end has impacted the IT department and we'll soon be having to move a staff in that area. We have been transitioning for the past year so this will not impact the department.

Commissioner Houpt made a motion that we approve the request for a FTE in the District Attorney's office. Commissioner McCown seconded.

Don asked for clarification as to whether this is included in the County budget or shared with the three Counties in the 9th Judicial District.

Martin stated it will be a shared cost with all three Counties as this will be a regular staff person in the DA's office.

In favor: Houpt – aye McCown – aye Martin - aye

Twin Frame Oscillator Packer/Roller – Marvin Stephens

Marvin Stephens and Tim Arnett were present.

The request from Road and Bridge for the Twin Frame Oscillator Packer/Roller was sent out to bid and three bids were received. The recommended board action is to accept the low bid from Municipal & Contractors out of Thornton, Colorado to procure the equipment for a cost of not to exceed \$37,230.00.

Commissioner McCown made a motion to award the purchase of the Twin Packer/Roller to Municipal & Contractors out of Thornton, Colorado for a cost of not to exceed \$37,230.00. Commissioner Houpt seconded. In favor: Houpt – aye McCown – aye Martin - aye

Amendment to Ambulance Licensing Regulations – Carl Smith, Dale Hancock and Carolyn Dahlgren

Carl Smith, Nancy Frizell, Dale Hancock and Carolyn Dahlgren were present.

The DRAFT rules and regulations concerning ambulance service were submitted for the Board's comment and potential acceptance regarding the licensing regulations.

The ambulance service wishes to have a reciprocity to the adjoining County Emergency Medical Trauma Advisory Boards specifically in Pitkin and Eagle Counties and the members of the Northwest All Hazard Emergency Management Region specifically Routt, Moffat, Mesa and Rio Blanco counties. Ambulance services licensed and ambulances permitted by the specified counties shall not be required to file a reciprocity application or pay licensing or permitting fees, but shall file certified copies of the ambulance service licenses and associated ambulance permits(s), granted by the specified county or counties with the EMTAC and the BOCC.

Carolyn requested the Board include in the motion, if they wish to approve, that she can make some minor corrections before a Resolution memorializing this is on the Consent Agenda.

One of the questions is the variance paragraph including a temporary ambulance services. It was a conditional ambulance license in the former rules and regulations which allowed for a 30-day temporary license with a plan before that timeframe expired.

The Board liked these new rules.

Carolyn explained the minor changes saying the RETAC also represents the two hospitals and additionally some definitions need to be wider to actually match reality; it does not have an effect on the BOCC's decision making process. The major thing she did was to go through the statutes and make sure that the legal authority is with the BOCC and then there are specific delegations to the EMTAC. All the decisions come back to this Board of Commissioners. EMTAC makes recommendations to you and she made sure the processes for someone being able to review a denial for the license or a revocation, or suspension all of those met the "due process" requirements of the statute. She added definitions at the very beginning because both the statute and our regulations talk about permitting vehicles but licensing the actual ambulance service; she clarified that and defined EMTAC. Dale, Carl and Carolyn discussed all of these in length. One of the big questions is this, Carl and Carolyn drafted in a variance paragraph with Dale's approval that you can grant a variance including the issuance of a temporary ambulance service. The way it was handled in the prior set of regulations was saying you could give a conditional license that would be valid for 90 days and would require the ambulance service to provide the Board within 30-days of issuance a written plan of action to comply with the requirements. Does the Board want to go back to that conditional license, a definition or is the Board happy with a general variance but doesn't give a time-line; you have to set it based on the facts.

The Board agreed this was fine.

The BOCC is appointing these board members. Carl stated that certain people serve on that board and your Resolution could have the Board appointing members every year.

Commissioner Houpt – not to make this more complex, but if there’s no connection between the two entities EMTAC and RETAC, she feared communication might get bad. With other boards, they bring names forward for recommendation.

Carolyn – we could create a list of recommended members every year with the ambulance license and then the Board could appoint board members to serve on RETAC.

Chairman Martin stated in the past we used to name the board members.

Commissioner Houpt – nothing would change except the formality.

Nancy Frizell – new services might generate a need for other members.

Carolyn – this should not be on the Consent Agenda since we will be appointing new members.

Chairman Martin requested this come back on the April 7th meeting.

Appointing Board Members

Dale addressed a letter from CJ Gredig stating that Garfield EMTAC voted January 9th to replace CJ Gredig as alternative representative to the NWRETAC with Tim Hohan from GRMC. The other representatives stay the same: 3 representatives Carl Smith, Carbondale fire; Cleo Castle, GRMC; and Nancy Frizell, Valley View Hospital. Other 2 alternatives: Chad Harris, Glenwood Fire; and Aaron Taylor, West Care. A motion was made by Commissioner Houpt to appoint those members as listed by Dale Hancock.

Commissioner McCown seconded.

In favor: Houpt – aye McCown – aye Martin – aye

City of Rifle Spring Clean-up Program

The City of Rifle is planning a “Spring Clean-up Program” this year for the first time. This will possibly occur sometime in April or May. The request before the Board today is to ask for a reduced landfill rate for disposal of these waste materials.

Discussion:

Commissioner Houpt asked if Rifle was aware of the new one free day for citizens to bring trash to the landfill.

Ed stated they were but this is an extra incentive to clean up Rifle and he suggested a half-price per pound.

Rifle doesn’t want to distinguish between trash and mattresses, etc.

Commissioner McCown made a motion to use the ½ price rate for the spring program in Rifle.

Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Ed Green’s Executive Session Items – land acquisition for the County; Jesse Smith’s contract, Judy broke her wrist snowboarding so she will not be here to share her preliminary findings; Patsy needs to be involved in one of the items; and discussion on a time has tentatively been set when Jack Craig can come before the Board to talk about Rulison blast site.

Annual Report

Ed also addressed the Annual 2008 County Report prepared by Linda Morcom, Commissioner Houpt and Patsy Hernandez which has been released. There is a great deal of historical information and financial status and information as to what the County is focusing on.

Commissioner Houpt thanked Patsy and Linda and recognized their marvelous work.

This will be an insert on the 20th of March in the Glenwood Post Independent.

Performance Budget Report – Patsy Hernandez submitted this one page report from the Finance Department for the Board’s review. Patsy stated this is to be produced on a monthly basis and it is color coded for items of attention to the BOCC. This provides a budget review and it will be given out every third meeting to the Board.

Commissioner McCown - questioned the 82% variance in the report and asked for an explanation.

Patsy suggested they could put a brief memorandum to explain; however this was a justifiable expenditure.

COUNTY ATTORNEY UPDATE: DON DEFORD

EXECUTIVE SESSION – LITIGATION UPDATE AND LEGAL ADVICE

Ed Green received a letter of request and Don DeFord submitted it to the Commissioners. The request is from Taani Rust who is interested in purchasing Lots 22-31 which borders her property at Rifle Village South Subdivision and the lots are owned by Garfield County. She would like these lots to be placed for sale.

Besides Ed’s Executive Session items, Don added that he needed to provide the following in Executive Session: Update on the CR 204 contract negotiations, contract with Parachute on the west interchange; update on the ACLU litigation, Berkey litigation; a claim from the Road & Bridge Department; survey and vacate a portion of the JQS road; open records request regarding the Board of County Commissioners; Matt Anderson on a contract issues; update on claims for the Oil and Gas Commissioner for reimbursement; and a personnel issue related to administration and the County Attorney’s office.

Carolyn requested the Airport contract negotiation first and CR 204 due to Matt Anderson having to be in a meeting elsewhere.

Commissioner Houpt made a motion to go into Executive Session; Commissioner McCown seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Commissioner McCown made a motion to come out of Executive Session; Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Action Taken:

Don DeFord stated the discussion regarding the sale of property at Rifle Village South occurred and public action is required. He reminded the Board of the statutory entities that would benefit from the sale of this property; Garfield County and the School Districts.

Commissioner McCown made a motion that we authorize Lots 22 to 31 in Rifle Village South be offered for sale by the Treasurer, she had previously been directed to offer the mineral rights under those lots for sale; however, I would at this time like to amend that action to include surface and mineral at the same time.

Commissioner Houpt seconded for discussion. Everything I've heard about this is that it's not property that you would want to develop and I would rather see us exercise our opportunity to make it open space instead of putting it up for auction.

Chairman Martin – that's a good sentiment but I think that we also open ourselves to a lot of liability in reference to making it public access. Right now it is in a very unstable area of Garfield County subject to mud flows, to subsidence with the sink holes and also with extreme erosion and I don't know if we want to take on the liability of having anybody down there. It is visible from I-70 true; I don't want to see it developed either.

Commissioner Houpt – I think you can restrict use and I just think there's a better option than opening it up for a use that it shouldn't potentially be used for although we have that option too; we can make a decision on that if it comes before us.

Chairman Martin – absolutely, if a development comes to us through the land use process, we can restrict it based upon our own findings and own rules and regulations under geological hazards. Unfortunately, the request has been made. This will be a public auction.

In favor: McCown – aye Martin – aye Opposed – Houpt - aye

CONSENT AGENDA:

- a. Approve Bills
- b. Wire Transfers
- c. Inter-Fund Transfers
- d. Changes to Prior Warrant List
- e. Liquor License Renewals for Battlement Mesa Management Co. d/b/a Fairway Café and Kum & Go LLC d/b/a Kum & Go #906 on Battlement Mesa – Jean Alberico
- f. Authorize the Chairman to sign the Special Use Permit for an Industrial Support Facility which would include: Material handling, pumping facilities, warehouse facilities, storage areas, and accessory uses to the above within the RL Zone District and located approximately 6 miles west of the Town of Parachute on Highway 6 & 24. Applicant is Frac Tech Services, LLC – David Pesnichak
- g. Authorize the Chairman to sign the Resolution of approval and Special Use Permit for one (1) Temporary Employee Housing facility located approximately 20 miles north of the Town of DeBeque and within a well pad described as 598-25-BV. Applicant is Chevron USA Inc. – David Pesnichak
- h. Authorization for Chair of the BOCC to sign letters for mineral lease distribution to school districts and municipalities – Patsy Hernandez

Commissioner McCown made a motion that we approve the Consent Agenda items a – h as presented.

Commissioner Houpt seconded. In favor: Houpt – aye McCown – aye Martin - aye

HUMAN SERVICES COMMISSION:

Health/Substance Abuse

Jackie Skramstad from Colorado West Mental Health, Diana Martinez from Center for Independence, Cheryl Cain from RSVP, and Bob Campbell a RSVP volunteer were present.

The subject today is “How Transportation Access Affects Health Care Access in Garfield County.”

Cheryl Cain presented. The Commission submitted the following:

1. The rural and geographic issues in Garfield County greatly affect transportation and health access.
2. Access to health care is critical in keeping Garfield County citizens living independently in their homes as long as possible.
3. People who require specialized transport are the most difficult to serve.
4. The transportation link between Parachute and Rifle and from Rifle/New Castle and Glenwood Springs can be particularly difficult to bridge.
5. There is increasing need to access other support services in the Rifle area.
6. Volunteers ‘mask’ the transportation needs.
7. When a citizen needs to change to a new health provider because of transportation access, there can be negative consequences.
8. Some ‘solution’ is needed now and in the future.

Diane Martinez has facilities in Grand Junction for independent living and stated that transportation affects 40% of the residents. Many of the seniors have lived in the same house for 5 years or longer; they sell their home and move into areas where this is transportation. We can work together to solve the piece of the puzzle. In 2006 the Garfield County population was 52,000 and 10,000 of those have disabilities; that is 1 out of 5 or 20% of the population. In 2011 population will increase for different towns and areas, an estimated 18.5% total increase. When seniors sell their residences and move where there is transportation they find that the price of homes is out of reach.

Cheryl – we want to increase awareness of disabled folks and stressed we need transportation. This is a diverse county and recognizes that good access to health care and living independently is a concern.

Jackie Skramstad – Mental Health perspectives have challenges because a lot of the folks in the Parachute/Battlement Mesa do not have access to health care because of the lack of transportation. The case manager goes into the community but this doesn't help people to come to Rifle and we are limited to the number we can service. Case managers see an average of 10 – 15 people a day; another goes out one day a week to see families and children to allow access to health care. This requires some long range planning. We have tried to work on solutions; RFTA and the Traveler are options; we can buy bus passes and have tried to work with the Traveler. The real challenge has been the capacity and how many people they can

move. Battlement Mesa and Parachute do not have public transportation and the route from Rifle is not sufficient in the number of times the bus makes the trips. We need to partner on how to reach this growing population.

Commissioner Houpt feels we need to look at RFTA again and try to support a County-wide transit system because the Parachute/Battlement Mesa is only growing and will continue to be a growing concern. We also need to be very careful as to how we define that service and what kind of resources we have to be able to put toward that.

Chairman Martin – suggested we contract for services and define and they actually be structured for our needs as the best way to go instead of a blanket membership to RFTA because that way we can define and pay for what we need. Plus we need specialized service and Dan Blankenship has been very willing to work with us and do it under contract to cover his costs. The other one is the capacity and the ability for RFTA to serve that simply because it is so far away. They are under constraints to equipment, employees and drivers etc. and to be adding more and more to it I don't believe they are going to be able to respond. We need other options.

Commissioner McCown agreed we have problems with no easy solutions. Just because RFTA were to be a player, 99% of their traffic would be coming up valley. That's where that whole transportation system is going to end up and will be geared around. As far as getting people to Grand Junction, the majority of folks in the Battlement Mesa go to the doctors in Grand Junction. For those who do drive, they make a day of it, they do their shopping, go to the doctor and it's a road trip; the ones that can't do that definitely have a special need that there's no easy answer for.

Cheryl said transportation continues to be an issue; some have friends and families and then we have volunteers they can ask to provide a service but most volunteers are elderly and when you have two fragile people leaning on each other or when they are asked to provide a service for someone and you don't know them, you have some liability issues you may not be able to deal with. Therefore we need solutions and we are here today to just increase awareness. We want to bring everyone to the table, all those in health care and come to the table and brainstorm.

Jackie Skramstad – the people they work with, a lot are on SSI disability but they can still ride a bus and 1/3 of the people we serve would need specialized services. She didn't have specific statistics. She agreed that we need to come to the table and find solutions.

Chairman Martin stated that's why we have an advisory council and we lean on them to bring these issues to us.

BOARD OF HUMAN SERVICES:

Approval of EBT/EFT Disbursements for February 2008

Lynn Renick submitted the EBT/EFT Disbursements for the month of February in the amount of \$400,535.61 and requested Board approval.

Commissioner Houpt so moved. Commissioner McCown seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Consideration and Approval of Out-of-Home Placement Contracts

The department is requesting consideration and approval of the following agreement/contracts.

1. Out of home placement and purchase of services agreement with Denver Children's Home for State ID T232310 in the not to exceed amount of \$22,081.92 and
2. Out of home placement and purchase of services agreement contract with Cedar Springs, for State ID W691975 in the not to exceed amount of \$24,928.00.

Commissioner Houpt made a motion that we approve the out of home placement and purchase of services agreement with Denver Children's Home for State ID T232310 in the not to exceed amount of \$22,081.92 and the out of home placement and purchase of services agreement contract with Cedar Springs, for State ID W691975 in the not to exceed amount of \$24,928.00. Commissioner McCown seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Request for Approval of Contract Negotiation with Mesa County United Way for 2-1-1 Expansion into Garfield County

Lynn Renick and Charity Brockman, Western Colorado's 2-1-1 Coordinator were present.

Lynn reported on the contract negotiation with Mesa County United Way for the 2-1-1- Consortium for expansion into Garfield County. An information handout was submitted along with the business plan. The 211 is a free service that provides information and makes referrals to community services for health and human services. It is essential in emergency preparedness. It is a nationally designated phone number used to reach community information and referral services.

The start up and operational costs for the first year is estimated to be approximately \$35,000.

TANF funds can be utilized for an estimated 75% of the contract.

The Department is requesting approval to go forward with the 2-1-1- expansion into the County at an anticipated not to exceed contract amount of \$50,000 which includes additional monies for the community data and resource gathering component which needs to be comprehensive and thorough in the initial phase of the project. Budget estimates for maintaining the project beyond the first year is approximately \$20,000 which includes a .5 FTE within the contract.

Lynn requested approval to go forth with this and stated she had increased the amount from \$35,000 to \$50,000. A first year commitment of about \$50,000 and 75% from TANF is what they are looking at. The other funding would come out of the County's fund balance. This will not require an IGA; we will only be contracting with Mesa County United Way. Senior Services will absolutely be a part of this program. It will have a scope of services. There is an over arching memorandum of understanding with all consortium members and we will become one of those consortium members and an active player on the steering committee.

Commissioner McCown made a motion to move forward with the negotiation and present us with a contract that we can take some kind of action on. Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Program Reports

Prescription Drug Discount Card Program – the rollout of the NACo Prescription Drug Discount Card Program begins on March 17, 2008. The County website contains information regarding the program. Several distribution points are identified and cards are now available to the public.

The cards work similar to grocery cards; pick up the card and give the pharmacy the card when purchasing a prescription and they will get a discount of around 20%. Then the pharmacy will take it from there and report back to Human Services. If anyone is interested the website is under NEWS and it includes the current distribution sites: public health, human services both in Glenwood and Rifle, Catholic Charities and they are looking at pharmacies as the distribution points.

Target population is for the under insured or non-insured but it is not to be used in conjunction with your current insurance; this benefit includes all Garfield County residents.

Chairman Martin elaborated that other counties that have this and adopted it and taken on the responsibilities will have the prescription cards as well.

Single Entry Point/Northwest Options for Long Term Care Meeting– a memo was submitted regarding the presentation and meeting invitation to service providers and county representatives from the nine-county service area on Thursday, April 17 at 11:30 a.m. to be held at the Courthouse Plaza in Glenwood Springs.

BOARD OF HEALTH:

Mary Meisner, Matt Anderson and Paul Reaser were present.

Garfield County Air Quality Monitoring Contract – Matt Anderson and Paul Reaser

Matt Anderson and Paul Reaser submitted the information having to deal with the Air Resource Specialists Incorporated for the air quality monitoring grant and requested the notice of award be contingent on approval of funds from the State.

Matt stated they went out for an RFP and did compete it, the proposals came back and were reviewed. A summary and a request for the award was made.

A motion was made by Commissioner McCown to approve the grant for air quality monitoring to ARS in an amount not to exceed \$100,504.00 and this would be contingent upon funding by the State.

Commissioner Houpt seconded. In favor: Martin – aye Houpt – aye McCown - aye

Ozone Monitoring Update – Andrea Holland-Sears, USFS

WRNF Air Quality Monitoring

Andrea Holland Sears presented a summary of what they found during the air quality monitoring. This is a continuation of the ozone monitoring program that we've doing with Garfield County. Some of the other partners were recognized besides the Forest Service and the Garfield County working together. We have a research working station out of Fort Collins and they've done quite a bit of work and provided three out of the four monitors we used this year, some operation and maintenance of those monitors and also their lab has done the analysis for the passive monitors.

Wilderness Workshop has been working with the Forest Service for a number of years to monitor air quality related values in their wilderness areas. They also helped us with this program in taking on two of our passive monitoring stations in the upper Roaring Fork Valley. She recognized that the program actually received seed money from the Aspen Ski Companies Environmental Foundation and some of that looped over into 2007 and recognized their continued help.

The program objectives were to assess the ozone levels in both Garfield County where folks live and for the Forest Service. Our concern is the pristine air quality and to maintain that of our Class I wilderness areas. Also, along with collecting that data this will help develop a baseline data so that in the future we'll be able to determine whether or not ozone levels are trending upwards or downwards. We also wanted to find a representative location or locations for long term ozone monitoring and it sounds like Garfield County has worked with the State and will be getting a continuous monitor in Rifle this year.

The formula for ozone is a combination is two precursors' - nitrogen oxide and volatile organic carbons, they mix with sunlight and heat and produce ozone. We're finding out is that this is not just a summertime event.

Garfield County and the State have been working on an emissions inventory and this is where this information came from. This is representative of 2004 data. For nitrogen oxide the main contributor are vehicle emissions and stationary sources. Of the stationary sources over 90% of those represent oil and gas development. The VOC on the other hand is called biogenic sources aka plants and that's a number that doesn't change over time.

In 2007 we had the same stations we set up in 2006.

Chairman Martin added that fire does add to the ozone levels and these generally peak in July. Last year we had a number of fires in Montana and California that contributed to the high levels of VOC's. We need to remember this as we look at this graph and listen to this presentation. There is also a lot of camping going on the flat tops in the summertime and camp fires contribute to these factors as well.

Andrea stated this information is coming to the County soon. She is working with Jim Rada as well.

CDPHE Tobacco Education program contract amendment

Mary Meisner presented.

Mary submitted the contract for our Tobacco Education program. The original contract was for \$17,249.00 and all the contract amendments were submitted and all they are asking for is a change in the scope of work. She submitted a summary of the exact scope of what the work changes involved. The letter will be attached as Exhibit A to the contract. Mary requested the Board sign the amendment to that contract.

Mary also stated the School Resource Officers report that the number one issue of concern is tobacco in the schools. Mary reiterated the whole idea behind this education process is to reduce tobacco use.

Commissioner McCown made a motion the chair be authorized the sign the contract amendment.

Commissioner Houpt seconded. In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC MEETINGS:

UPDATE ON SOUTH BRIDGE – TOM NEWLAND AND CARTER BURGESS

Tom Newland, Carter Burgess and Mike McDill the City Engineer for the City of Glenwood Springs were present.

A slide presentation dated March 17, 2008 was given and a hard copy submitted for the record.

Tom Newland, public information manager of the South Bridge project presented and said he was working for Carter Burgess who is the consultant on the project.

A regional map showing the project vicinity that basically shows the south Glenwood area around the airport where this project will likely occur. There's also a part of the area, the Four Mile area that will also directly benefit from this project.

When we first starting looking at the project we assumed a study area generally in the Four Mile/Midland Road Intersection area across to the Airport and over to the Red Canyon/Buffalo Valley intersection on Highway 82. As we get into the process it is an alternative selection process and there are many alternatives they are considering.

Tom gave a history of the Project saying a study was done in 1996 called the Dim Jim Study which was an alternative route and Four Mile improvement study and through that some alternatives in the Airport area came up with an alternative route. That was followed up in 2002 with a more specific South Bridge alternative road by HMTV and that study looked specifically at how the connection would be made between the Airport Road and the Highway 82. In conjunction with that study, an ad hoc committee was formed regarding the Glenwood Springs Airport and that committee did a lot of good work as far as researching the benefits and disadvantages of the Airport. They did not come up with a specific recommendation but they did come up with a lot of good pros and cons and some financial information regarding the Airport which will be used in the study. Then finally a federal earmark was granted to this project of \$5.2 million in August 2005. The earmark was very general in its nature; basically all it said was Glenwood Springs South Bridge, New Opt System Bridge.

Related Projects:

There are some related projects going on at present; the main one is the Corridor Optimization Plan – that is a plan being done by CDOT, Glenwood Springs and Garfield County to try and figure out what the best alternative through town would be. That's an on-going study and will be beneficial to both studies; they go together because a couple of the alternatives in the Corridor Optimization Plan utilize the South Bridge alignment so we can coordinate efforts as we go through this process. There is also the RFTA Rio Grande Corridor study as a part of the Land Use Growth study that we have gotten our hands on; I think this was done to facilitate your Land Use Code and it looks at the County as a whole but it also separates it into areas and Four Mile is one of those areas. This will be very useful information for us as we consider future growth and the needs for the South Bridge project.

The Midland Avenue Traffic Calming Project was initiated earlier this year and has come to a conclusion with the recommendation in place of about 14 calming traffic devices along Midland Avenue between 8th Street and 27th Street. Then there is a couple of intersection improvements that have been studied, one at 27th and Midland and at Midland and Four Mile and both of those came to the conclusion that a round-about would work in both of those areas and I believe the 27th and Midland Intersection is in the process of looking for funding to get implemented. Then finally the State Highway 82 and Buffalo Valley Intersection was studied by CDOT at length just prior to the approval of the earmark and once the earmark was approved, study on that intersection plans were put on hold pending the study.

Action Plan for the South Bridge Project – there are several groups that have been put together, one of most importance is the project working group which has representation from all players – Garfield County, Glenwood Springs, NEPHA and CDOT. This group is responsible for moving the project forward through the steps and we are meeting just about every 2-3 weeks to accomplish that. In conjunction with the project working group the community citizens advisory group is also working on this project and it is made up of a mix of about 25 or 26 interested citizens and many are adjacent or affected property owners who have been working in conjunction with the project working group. I had a meeting with the citizens advisory group initially and by the way there is one tonight and then the next day the project working group meets to go over the same materials and they have the benefit of the citizen's advisory working group's recommendations going into that process. So those two work very closely together. We also have a public involvement plan which focuses on open house meetings; there's been one already and plans are to have another in April. Then a resource group is a combination of all the resources that include the Division of Wildlife, Fisheries and Wildlife groups, historic preservation and all those that are directly affected by the project; they are used in a scoping sort of way to kind to bounce off the alternatives and get their feedback as to potential impacts. Finally the process management group is the ice breaker and if the project working group comes to a standstill or can't come to consensus on an issue, we'll kick it up to the process management group which consists of Joe Ellison at CDOT, Jeff Haskell at the City of Glenwood Springs and Ed Green the County Administrator for Garfield County who will break the ice for us if need be. So far that hasn't occurred and don't anticipate doing it but its good to have this group in place in case we come to some decisions that warrant putting this group into action.

Purpose and Need – this is one of the most important things in the NEPHA process and by that is the National Environment Protection which we're required to follow because of the federal earmark. We're going through an environmental assessment process and the purpose and need sets the stage for this whole alternative selection so it's very important. Unlike the studies in the past this is not an alternative route or as a by-pass study. This is an emergency access/local access study and the purpose and need reflects that. The emergency access and federal earmark was really brought about because of the Coal Seam Fire in 2002 and the realization after that fire that a whole lot of people could have been left stranded on Four Mile and in the South Glenwood Springs area if the winds were right and the fire was a lot worst that it turned out to be. We're looking at increasing the capacity for evacuation, reducing the travel time for emergencies and also this thing called redundancy in the transportation system. Right now you have one way into the South Glenwood area and if you can provide another one that gives redundancy on your ways out and not only increases your ability to provide emergency access but local access is benefit by the redundancy factor to

get less congestion and have more than one way to get out of an area. That's the purpose and need for this project.

Project Goals include environmental and we want to make sure we minimize the environmental impacts as a result of the project, community and neighborhood, likewise we want to reduce these impacts and the adjacent neighborhood as much as possible, of course financial impacts are always a concern as far as projects like this, we want something that gives us the biggest bang for the bucks; we want to tread lightly on private property, safety is always a concern, we want to make sure that anything that's designed meets safety standards and won't impact the ability for people to utilize the road system in a safe manner; we want to be in conformance with the existing plans for the greatest percent possible and we also want to prove multi-modal opportunities such as transit, trails and that sort of thing.

Alternatives

We are into the alternatives and screening process right now and a slide showing the representation of how this process works was explained as taking the alternatives and figuring out all the reasonable alternatives we can think of. We just did this about a month ago and put it through three screenings to come down to the preferred alternative. The first is the pre-screening or fatal flaw analysis. Fatal looks at "does the alternatives meet the purpose and need; are there any irresolvable environmental impacts; are there any exorbitant costs; are the alternatives based on proven technologies; are they constructible; and are they a part of the no action alternative". If you can make that screening process then you go onto the next process which is the Level One Screening. This is what we call the "qualitative screening process" and that's where we are at present. We've found the fatal flaw and are going into the qualitative process tonight and tomorrow. They really take a harder look at how the alternatives relate to both the purpose and need and also to the project goals. After you go through that process you go into the "detailed process analysis" and that's where you really start looking at the remaining alternatives and how much these are really going to cost. For example, Alternative A – that takes up 3-acres of wetlands where Alternative C takes up 7-acres. It gives real numbers of all of these alternatives during the detailed analysis and then finally comes out with either a preferred alternative or two or three at the most that we can carry forward to the environmental analysis.

Initial Alternatives

Tom went through these briefly showing the slides and illustrated these alternatives. He stated some were included because they were found to be outside that scope but based on the rules of alternatives analysis they were included as part of the NEPHA. One is Dry Park which would take you out south to Carbondale and then down to Hwy 133 to Highway 82. There's another one which is an old railroad bed which kind of winds down and does the same thing; and finally there's the Yank Creek Alternative that comes off Sunlight and down around through a couple of Forest Service gates and then down again. Those three alternatives are shown within the inset. The ones that are closer to town that we've taken a look at are improving the 17th Street Bridge and Midland Avenue to accommodate possibly the purpose and need. We've also looked at a couple of crossings in the Old Cardiff Glen Bridge area; one is a part of Glen proper and the other one goes through the south through some Glenwood Springs owned land and pops out on Highway 82 just south of the cemetery. We looked at one on Sopris Mountain Drive which goes just north of the new elementary school and connects across. The red one (referring to the slides) is a direct crossing from the Airport Road across the Airport and connects directly to the existing Highway 82 intersection at Buffalo Valley. We have the three alternatives that were looked at in the previous studies in the Airport area, basically they go right across the south side of the Airport, go around the backside and there's another one that actually goes under the Airport in a cut and cover tunnel. Some other ones that came up down below here are what we're calling the Prehm Ranch Road, which extends down to Four Mile Creek proper and then either crosses over next to the Orrison building or can continue through Westbank and connect to existing bridges. Then there's another one that comes down from Four Mile Road, down Four Mile Creek and then the same thing, crosses one way or the other at the Orrison building. Those were the alternatives that we came up with. There were 14 or 15 in all and then there are some non-structural alternatives: Transportation Demand Management, Transit Services Expansion, Intelligent Transportation System, Trip Reduction, Telecommuting, and Toll on the New Crossing. One other one that we looked at too with the "NO" sign was, well what if you put in one of these crossings down here and everybody from Four Mile and South Glenwood uses that access exclusively and you put a gate up here on Midland and that gate could be opened for emergency situations but for normal situations you can't go that way, so that's another one that was brought up.

So, through the level screening process we eliminated about half of those alternatives and we're down to a few here. We're still looking at the 27th Street connection and the Cardiff Glen connections as well as the ones in the Airport area and the ones down Prehm Ranch and the Four Mile Creek one. Now the ones that have been eliminated are the emergency gate one and the ones that head down either Dry Park or those other routes that go around because primarily they didn't meet the purpose and need.

We're diving into the next screen of alternatives and once we get the Level Two Alternatives we will have a public meeting and they will reveal what is left over which we hope is about a handful of alternatives to the public for their input and then we will go into the Level Three Screening where we'll really get to the nuts and bolts of quantitative screening of the various alternatives. Once the Preferred Alternative is selected we've dive into the EA documentation which is the bulk of the work and then we'll have the public hearing at the end of that just to give you an idea of bulk of the work. Once we get done with the evaluation and come to our Preferred Alternative we have a lot of work as the NEPHA documentation and the developing of the decision document but we hope to have an alternative approved by the HFWA in November of 2009.

Chairman Martin – that earmark itself has a life and it's September of 2009 and suggested to get it clarified to make sure that the earmark is either used or doesn't go away.

Mike McDill has the answer, he's been in contact with Pete Metris with CDOT and what he's asked us to do and actually we weren't really planning on spending that earmark as part of the EA process but he asked for us to show some action on it which means "send in some bills". So in fact we are doing that right now

and it keeps it alive. By going ahead and submitting these small bills compared to the construction at least, we're going to be taking care of that issue.

Chairman Martin – then after all the process and we get the Preferred Alternative and the engineering done and the location selected then we talk about finances, etc. CDOT is still a partner in reference to the intersection over by Buffalo Valley and in that area.

Mike McDill – CDOT is still a partner in the process. We have a lot of work to do on construction funding as I tell people, building these things is the easy part, it's going through all this process and getting everything arranged is the challenge. But CDOT is right at the table with us and when the earmark showed up, the allocation for CDOT disappeared and personally I'm confident that it will reappear again as we work with our local people.

Chairman Martin – that alternative took in a lot of businesses out there at Red Canyon and that intersection design was put on hold, positive or negative, depends on how you look at it, but that is an issue that CDOT has in their scheme.

Mike McDill – one more comment, I wanted to say from my perspective we've been through this process in different communities a few times and it used to be that people bent over backwards to try and to avoid all these federal processes; what we've learned is that they are really good processes for helping communities come up with really difficult decisions. My favorite example is Riverside Parkway they are building in Grand Junction right now, we worked with CDOT and tried to avoid going through this process and the NEPHA process and finally when we got into it, it went absolutely to a good decision and now they have a project that they can build. It will work. This is intended to give everyone a chance to get their input into it to come up with the best decision.

Ed Green – the last meeting I attended with Mike, Pete indicated that there's really three layers to that \$5.2 million; about \$300,000 of which we don't have much chance at keeping; about \$900,000 is at risk and the rest he feels pretty confident we will retain.

Mike McDill – I believe the original one was actually was actually \$5.1 something million.

Commissioner Houpt – so at what point in this process do you want the City Council and Commissioners to weigh in? Or do we because I don't see that on the chart – we pay but

Mike McDill – there is a formal public meeting at the end that we'd have to get input. The City Council is on the citizen's advisory committee and we could take your weigh in right now if you'd like or we could come back at any time; or if you want to join the citizen's advisory group that would be fine too, however you would like to give us your feedback.

Commissioner Houpt – well, let's talk because Ed is involved.

Chairman Martin stated that Ed Green is involved, Jeff Nelson from the engineering office and Fred Jarman in reference to planning and land uses outside the fringe area that is driving some of those issues. They are doing the ground work and getting the facts. The elected bodies allowed them to move forward and do the ground work, it seems to go rather smoothly and we don't need to polarize a bunch of committees but we need to get the real facts.

Commissioner Houpt – I don't want it turned back into a political discussion so it's really good that this process is moving forward; at the end of the day I want to make sure that it doesn't fall back into a political decision.

Tom Newland said, as Carter Burgess would say, the purpose of all this process is to give the elected officials all the information they need to make a decision and the fact is the filtering process is just that. Each filter is based on information and how it fits with the problem we are trying to solve. It's a good process and it works and at the end there will be a recommendation sent to you to select a particular alternative that we recommend and there will be all kind of great reasons that's the one that's recommended over all the others.

Chairman Martin – and if you really want to abuse yourself as an elected official, attend the meetings and sit in the back room and watch these guys work.

Tom Newland – April 16th is the next public meeting.

Chairman Martin said he attends but does not comment – he is watching the system work. It's the decision making process, the understanding, acceptance and the suggestions that are being made; it's not time for me to make a decision and tell you what's going to happen.

Mike McDill – also on the citizens advisory committee I would say about half the people on that committee are not City residents but County residents, a couple of homeowners and homeowners associations up Four Mile that are potential affected and all adjacent landowners have been participating in these various meetings, etc.

DISCUSSION OF OIL SHALE PEIS COMMENTS –JESSE SMITH

Garfield County has been a cooperating agent and filed commented in July 2007. In those we took a position and proposed a 5th alternative. Most of the responding agencies did the same thing. Our alternative was to wait until the Research and Development was completed. The BLM chose to disregard that and picked Alternative B under the Public PEIS that puts at risk two (2) million acres.

Jesse Smith presented the BLM Oil Shale PEIS Draft where the County was included as a Cooperating Agency. About a year into the project, the purpose was changed from awarding commercial leases to identifying what lands might be made available for commercial leasing at a future date. Jesse went on to explain the particulars contained in the draft.

Conclusion:

Jesse stated in his report that the Energy Policy Act of 2005 directed the Secretary of the Interior to undertake a series of steps. In Summary, Congress directed that the Secretary shall:

- Complete a PEIS for a commercial leasing program for oil shale and tar sands on public lands;
- “Not later than 6 months after completion of the PEIS, the Secretary shall publish a final regulation establishing a commercial leasing program;”

- Consult with the Governors of States with significant oil shale resources on public lands and other interested persons;
- “If the Secretary finds sufficient support and interest exists in a State, the Secretary may conduct a lease sale in that State under the commercial leasing program.”

Given the above changes from Congress, it would appear that commercial leasing could move forward rapidly following final publication of this PEIS document; the BLM has determined a “No Action Alternative” (Alternative A) is not consistent under the Energy Policy Act of 2005

Discussion:

Commissioner Houpt complimented Jesse and said he illustrated the problem that is occurring with this process. There’s not enough information, there’s not enough analysis, we’re making guesses on what may or may not happen, what could happen at the end of the day with the research and development phase and there’s no basis for even coming up with an alternative at this point. Jesse made a really good argument for a “no action alternative” and he also made an excellent argument for a no decision. So when you shifted to Alternative C it was a problem. BLM is required to have a “no action alternative” and it doesn’t mean that research and development wouldn’t move forward, that would still move forward but in essence wouldn’t it have the same impact that you’re suggesting the alternative had in the first place?

Jesse – in the document they do say yes, they are required to put up a “no action alternative” - Alternative A – but that is off the table as far as the Energy Act is concerned and it will not be adopted. If they’re taking that position upfront we tried to argue for waiting till the RD&D are done in our pre-comments back in July, obviously they threw those out.

Commissioner Houpt – this is beginning to look like the Roan Plateau discussion where what would have made sense was taken out of the proposal initially and the same thing is happening here.

Jesse – my concern was if they throw us out in July 2007 and we went in and said, well we prefer the “no action alternative” and they throw that out, then it’s two (2) million acres; so I was trying then to say they’re going to throw out no action so let’s try to make a case for at least getting down to 840,000 acres.

Chairman Martin – it’s also a Catch 22 as far as development because they can’t get to the land to experiment simply because they’re not allowed to go it to prove out their theory and so it’s a Catch 22 and it becomes this endless cycle – we can’t prove it so don’t give us an alternative. Make an alternative so we can maybe go back and get a lease and you’ve got to either say prove out your theory and allow them to do a pilot plot that is again defined and allow that to happen or stop the whole development process which I don’t think they are going to do but you have to let them go onto the property to develop their plan.

Commissioner Houpt – they already have property that they are doing their RD&D project on and it’s a significant amount of land, it’s enough for the RD&D phase and I think Jesse made some great points about just guessing about what the leasing would look like because we have no information in front of us now. I would prefer for this County to say because of what was indicated in the PEIS, we would support no leasing until the RD&D is over and if you’re only putting two alternatives on the table, obviously we would support the least impacting alternative. I think we need to be clear about the fact and Jesse illustrated it well, we need to be clear that it makes no sense to put a leasing program together until we know what we’re working with.

Jesse – that was my first bullet under the recommendations at the very end; before any final analysis or a preferred alternative is completed, results of the current RD&D leases should be obtained. So I reiterated that there but then on down I went on to say at the very least we think Alternative C should be the preferred alternative.

Commissioner Houpt – but what it doesn’t say is because they rejected our previous recommendation to wait to lease until the RD&D was over with and because they’re saying that the Energy Act won’t allow for a no-action alternative, then you’re putting us in the position of choosing between two alternatives. I’d rather just be more specific about that because in our previous letter we did say the alternative should really be a wait and see what comes out of RD&D.

Commissioner McCown asked Jesse, when do you envision determining when the RD&D leases are done? I have a real problem and am struggling with this. Tresi is saying when their done; you’re saying when information is available for analysis. I think that was driving the initial leasing for the RD&D projects – they had to prove them to be economically feasible, environmentally sound, and a number of things. They didn’t have to wait until those projects were done. At some time during that process when they could reach a milestone and say okay, it’s economically feasible we checked that one off, when it’s environmentally friendly we checked that one off. It doesn’t have to run a sustained operation for x number of years for it to be deemed complete and although we will recognize this now as a possible method of extraction, that was never in there.

Jesse – no, in fact it could be a different date for all five of the RD&D leases.

Chairman Martin – because of the different processes and the way that they are going about it;, there are some that can do their traditional extraction and production and there are new ones that actually have to go into the field to do that, to actually bore their holes and do their different scientific experiments to come back and say it is scientific, That’s the Catch 22. Some are able to go ahead and do that with standards or traditional extraction. The other approach is with your alternatives; you can’t go out there and do that.

Commissioner Houpt – and they do have the land for that and your language in the letter answers the question that Larry had because it’s open enough that it talks about the need to just wait until the results of the RD&D leases are obtained and evaluated.

Jesse – under the Energy Act and under the PEIS document, the decision as to when they can lease is left to the Secretary of the Department of Interior and that’s where the buck is going to stop.

Chairman Martin – excellent. They have to be satisfied that those procedures will work with their check lists and Secretary of the Department of Interior is the one that makes that determination.

Jesse – my concern and I stressed it in here, he could make that decision at any time to lease and that would then immediately initiate a new NEPHA PEIS process. So we don’t know what that time means.

Commissioner McCown – no, but that would deal with specifics. Whereas this would be in the middle of the stream turn into a “what if” study on will this acre work and this acre not work.

Jesse – if I were going to bet money I would bet that the process that might ultimately be used isn't even known yet.

Commissioner Houpt – I would probably support your position on that; we are so far away from understanding what this is going to look like that this seems like a ridiculous exercise.

Commissioner McCown – are you talking about the extraction process.

Jesse – the extraction and processing processes.

Commissioner McCown – everybody's looking at this like a new industry and it isn't. I have a patent at home on my table from 1922 on a retort and it was done here in Garfield County. Everybody says we've got to go slow on this process but we have to remember that this has been going on for over 100 years – I don't know how much slower you can go on an energy related process when right now oil is trading at \$110.00 per barrel.

Jesse – they said in the 1890's there was a process that was used in Colorado to actually recover the petroleum process.

Commissioner Houpt – so I don't think it would be inconsistent with your letter but I really think it's important to emphasize the fact that Alternative C is not our preferred alternative, it's really not – what our preferred alternative was what we recommended the first time and that's no leasing until we have results that can be obtained and evaluated on the RD&D phase. Then after that you really made a great argument for no action, so I just want to make sure that they get that message. I don't want them to get this letter and say oh, Garfield County loves Alternative C because it's not the case, suddenly we're backed in the corner. Would you rather put a couple of million acres on the table or a million and you know you balance the lesser of the two not even knowing what's its going to look like.

Chairman Martin – Tres, that's the sound bite everybody's waiting to get, you have three choices: no action, A, B or C. And what it amount to is it doesn't matter how much we put into here, the sound bite is will Garfield County chose Alternative C because of whatever and then we're stuck. Jesse's process is right – we're trying to come up with what is usable - a common sense approach etc. We've got to allow the development to take place or say that it's not a resource and quit focusing all our energy around it.

Commissioner Houpt – I think it's premature to say it's not a resource or to say go ahead. We're doing the research and development phase right now and all I'm saying is that if Garfield County's going to hang their hat on Alternative C I want people to know why and the reason why is because BLM rejected our recommendation to wait to lease until you could obtain and evaluate results from the RD&D and they have rejected the no action alternative.

Jesse – I could expand that first bullet under our recommendation to say that we would still prefer the recommendation we made in June of 2007 and given that this is not acceptable we'd prefer a “no action alternative” but if that is not acceptable then and only then would we look at an Alternative C.

Commissioner Houpt – I could support that.

Jesse – this document will be signed by John so it needs to be turned around quickly because it has to be electronically sent back to them by Thursday.

Commissioner Houpt will support it if that is clearly made a part of that position. I don't support Alternative C and I think all I would be saying through this is, if you're going to give us two alternatives, I'd rather not support any alternatives but I don't want them by default to chose the worst alternative which I think is Alternative B.

Jesse – that's where they are right now.

Chairman Martin – if you don't get into the bray, your voice is not heard.

Commissioner Houpt – I'd love to have you add that language, that's very important, otherwise I wouldn't be able to support this.

Commissioner McCown – well that first language that Tres asked him to add was not or is not a part of any alternative that was ever discussed.

Jesse – no, it was one that we created.

Commissioner McCown – I know but it was never discussed, it was never accepted by the BLM for review so you can write down whatever you want. It's like saying I wish Santa Claus would come twice a year instead of once a year but it's not even being considered. Now if you want to consider the Alternative A – “no action” as your choice, say so, if you want Alternative B say so; if you want Alternative C say so, but don't say we sure wish you'd listened to us the first time because they didn't. It's off the table – that's not even a point of discussion so right now we are to a point of deciding A, B, or C.

Commissioner Houpt – but I think it is a point of discussion.

Commissioner McCown – well it may be for the press but it's not for BLM.

Commissioner Houpt – no it should be for BLM too, if they're going to be honest with having this public process they have to be honest to listening to the recommendation of the people who are spending a lot of time on this process and have a lot to lose and a lot to gain. I think it's very appropriate to include that language.

Chairman Martin – I like the language, let's see if we can put it in there –this is a public comment process and we are part of the public – it is not 100% of what they have to do. They've changed directions twice before, this may also bring that about. So let's go ahead and put the comment in as part of the public comment with Jesse's added language and we'll sign it and send it in.

Commissioner Houpt – okay, I also know that that there are parties that are trying to get an extension.

Jesse – I talked with Ron Cantina who had a discussion directly with BLM in Denver and he was told that this was not going to happen.

Commissioner Houpt – it was a very short time frame.

Commissioner McCown – but the public, the folks asking for the extension were paid environmentalists that had the same time period to review this document as Jesse had.

Jesse said there as a 90-day comment period.

Commissioner McCown – and the RAC acted on that at our last meeting as well as the extension and we chose to not support the need for an extension because everyone was playing under the same rules.

Jesse – Club 20 has made the same decision.

Commissioner Houpt – it's kind of unfortunate because when I think anybody needs an extension it should be supported. Even though at the end of the day I don't know what we've accomplished for this process. It's still perceived as an important process.

Chairman Martin said there's been a lot of taxpayer dollars in reference to this and a lot of time spent on it. Commissioner McCown – under it's initial plan, had it stayed on that track, there would have been some very definitive results to come out this whether they be good, bad or indifferent, whether you liked them or not but there would have been some very definitive results. Under the changing course in the middle of the stream, the entire document that Jesse had to review and come up with specifics was very ambiguous.

Jesse said the Board needs to direct John to sign this document with some amendments to it.

Chairman Martin – and it's that we go back to the first alternative we submitted and say please reconsider; they can take that as public comment or not, but at least that is what we'd like to do.

Commissioner Houpt made motion that we authorize the Chair to sign this letter to the BLM with the changes in wording in the last section that points out our preferred alternative which was the recommendation we made in July 2007; then our preferred Alternative A which is no action, but then going with Alternative C because it has less surface disturbance.

Commissioner McCown – seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Guidance from the Board – Redcliff Mine

Jesse – we received this PEIS document two and a half weeks ago and it is concerning the Redcliff Mine project near Mack, Colorado in Garfield County for a new coal mine. Ed asked me to look at this which I have gone through it and there's some direction that Fred needs.

Chairman Martin – this is an old mine that's being redone.

Jesse – no it's an old mine that's going to be closed and a whole new mine opened.

Chairman Martin – but the vein is still the same.

Jesse - the McClain mine will be closed when this Redcliff Mine is opened. They are very different scopes in these two mines. The McClain Mine: 100% of the coal goes to the Cameo power plant by truck which is closing. This new mine will generate 8 million tons per year that will be shipped by rail. There has to be a new railroad spur run from Mack up to the mine and that railroad spur is entirely within Mesa County; the road impacts are entirely within Mesa County; the only portion of this project that's in Garfield County is the actual coal that is going to be mined using a long wall process. That coal lies under Garfield County. The portal to the new mine would be in Garfield County as would a conveyor that will take the spit rock that they need to get out of the mine to a 190-acre dump site that would be within Garfield County. The buildings at mine portal entrance would be within Garfield County as well. This raises two issues: 1) under your land use plan, you have the option to require them to get a Special Use Permit (SUP) for this project because of some impacts in Garfield County. The McClain mine apparently whenever that was approved, you basically waived that right for a SUP because there wasn't an SUP on the McClain mine.

Chairman Martin – not way back when, that's an old mine.

Jesse – yes, if you chose not to require them to get a SUP they will have to come to you to get building permits for the buildings at the mine portal. Fred needs some direction, do you want your Building and Planning Department to require an SUP or not.

Commissioner Houpt – well, I think we should, it's a large surface impact, its part of our regulatory process, why wouldn't we – Fred do you have an opinion?

Commissioner McCown – well this could qualify for a major impact review, in fact I don't know how many employees we're going to get credit for at the mine site, but there's also a processing site in conjunction with this which may be across the border into Mesa County.

Chairman Martin – it's got to be a joint review as well, there are 200 to 300 miners that will work there as well.

Jesse – 300 is the number they have in here.

Fred – the only reason for the review is the original mine was prior to the Zoning Code. I think the same Board would have reviewed that and Jesse is right that the portal, the area where the waste rock will go and a variety of buildings will be within the County; it's BLM lands but as your Code is written right now it requires a SUP.

Jesse – I have to file comments on this by Thursday of next week so this gives me a very short time frame.

Chairman Martin – to give everybody a thumb nail sketch, this is going to be about eight (8) miles outside of Utah.

Jesse – our comment is basically to say to them we are going to require you to get a Special Use Permit for your operations within Garfield County and that would throw it over to the Building and Planning Department and they'd have to come in with that whole process.

Commissioner McCown – don't be specific and say a Special Use Permit, but I think you need to say you're going to be required to follow the Garfield County's Land Use Code which in turn will trigger whatever major impact review study or whatever.

Jesse – agreed, that's basically the only comment we need to make is that you're going to be required to follow the Land Use Code.

Fred – as I understand it, Mesa County is also taking the same position with the land use perspective.

Jesse – as it the Town of Mack because the railroad spur will terminate at Mack and they then will off-load the coal from a special train onto the main rail line. The one thing I was concerned about was the 190-acre rock dump but they clearly say is on land that BLM has agreed to because of very poor soils and it has minimal if any impacts on wildlife or environment.

Chairman Martin – and they'll find uses for shale I'm sure; it will be a stock pile issue.

Commissioner McCown didn't think this was a lot of rock compared to the amount of coal that's going to be coming out of there.

Jesse said it is going to be a 110 car unit train, two full trips a day and all within Mesa County.

Chairman Martin – and it’s also limited to the Moffat Tunnel if it goes east simply because they’ll have to schedule that and be in line. There are three **metric** trains that go to St. Louis and Kansas City that use this tunnel everyday.

Jesse commented that he choked on one of the alternatives when they were looking at it on how to move the coal, one was to move it by trucks at 5 tons per truck and that would have required 1,760 round trips in a 24 hour period. That was just getting it to Mack.

Fred asked if action from the Board would be to require a letter from the Building and Planning Department with the Chairman of the Board’s signature stating they need to follow the Garfield County Land Use Code.

Commissioner McCown made a motion to authorize the Chair to sign a letter letting the BLM know that the Red Cam Colorado LLC would have to comply with all Garfield County’s Land Use Regulations for their mining operation. Commissioner Houpt – second. In favor: Houpt – aye; Martin – aye; McCown - aye

AGNC – CR 215 – Jesse Smith’s Contract

Ed presented the need to have Jesse’s contract extended and elaborated on the justification.

Among those he mentioned the Glenwood RMP and the Whiteriver PEIS Projects.

Ed asked for direction.

A motion was made by Commissioner McCown to extend the time track another 90 days elaborating on the fact that the Whiteriver RMP, the Glenwood Springs Kremmling RMP, this issue that has just arisen and following up on the Scio-economic study with AGNC should be to brought to some conclusion by the end of 90 days as adequate and addressing those 4 specific projects.

Ed - And County Road 215; also, Judy would like to start assuming the PEIS studies obviously she can’t for the new Coal mine but Jesse still needs to be involved in trying to get that transition.

Commissioner Houpt – thinks it is important that this be understood as part of this too.

Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown - aye

Jesse’s new positions after retirement from the Assistant County Manager

Jesse said he is the Local Governmental Designee for Montrose County Energy Issues and he is also assuming the Interim Finance Director for San Miguel County.

AMENDMENT TO ANTERO OIL AND GAS LEASE – BRIAN WADE AND CAROLYN DAHLGREN

Brian Wade and Carolyn Dahlgren were present.

Brian Wade – on October 9, 2006 Antero and the County entered into an oil and gas lease that pertains to the minerals underneath the Airport.

Carolyn Dahlgren presented the lease amendment to the Commissioners regarding Antero Oil and Gas Lease. She submitted the proposed lease amendment and an aerial diagram of the area. This is calculated to be 5.96 acres of unleased land and at a bonus of \$1,450 per acre; the county’s total bonus is \$7,437.50. Because of the added lands we need to make up the difference on your past per well payment also. This comes to a total of \$743.75. Combined, the payments will be for \$8,141.25.

We are adding land to the Antero oil and gas lease and therefore revenue to the Airport fund under our existing oil and gas lease that we refer to as the Agnes-Wilson will now be the Angus Hunt-Wilson because of some property that we got from the Wilsons in this tract. We are seeking authority to have the Chair sign the document with a changed exhibit.

Commissioner McCown made a motion that the Chair be authorized to sign the amended lease with changes as noted.

Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

PRESENTATION OF PETITION FOR CREATION OF THE TRAVELERS HIGHLAND SUBDIVISION IMPROVEMENT DISTRICT– KARL HANLON

Karl Hanlon submitted a document for the formation of Traveler’s Highlands Subdivision Public Improvement District – Garfield County. In January David Hicks appeared before the Commissioners with a concern regarding building permits not being issued due to the access to Highway 6 from the platted public roads within the subdivision that were created before the zoning code in Garfield County. At that time the Commissioners suggested a public improvement district be formulated and indicated it would require an attorney to move this forward.

Today, the owners have decided to petition for this formation of a Public Improvement District and submitted the petition.

The next step in the formation will be for the Board of County Commissioners to set a public hearing on the matter between 20 and 40 days from today. At this time the petitioners are asking that the petition be set for hearing at the earliest available date so that an election can be held subsequent to the hearing forming the Public Improvement District and work can commence as soon as possible on the necessary improvements.

Karl Hanlon submitted a list of ownership for the Traveler’s Highlands Subdivision. There are 234 lots within the subdivision and the petitioning owners represent 172 of these lots or roughly 73%.

Additionally, before the Board today is a request to authorize the review of building permits within the subdivision as significant progress has been made towards resolving the issues identified by the Board at the previous meeting.

David Hicks, Terry Kirk and Curt Spurgeon are representing the petitioners and have the power to enter into agreements relating to the organization of the District.

Karl explained the 501 Public Improvement District is actually a separate political entity although the Commissioners sit as the governing body of that. The up and down of that is that it is a separate public meeting that you have to open and close and deal with. The powers and authorities of that entity are somewhat broader than the Local Improvement District which is really limited to streets, drainage and

lighting improvements. The other difference is that under the Public Improvement District the assessments are made via the tax and under the 601 District they can be done as a special assessment, approved by Resolution approved by this Board. From the standpoint of the landowners it doesn't matter which one you move forward on. The Public Improvement District will require a hearing in the next 20 – 40 days from submission and acceptance of the petition; the Local Improvement District would require a hearing on a Resolution at least 30 days after publication of the creation of that Local Improvement District. My suggestion for today while we are sorting through which one – I would like to set a hearing date about 45 days out, say we submit the petition in the next 5 days. If it's a 501 District or a 601 District we'd be within that time frame. The property owners want to get these improvements done this year and get started on it. We were just notified that Antero will be putting another pipeline across the front of the property and it's a good opportunity while things are torn up to try and get some of this stuff done all at the same time. The other outstanding issue was that you placed a moratorium on building permits and review; at a minimum at least allow us to start submitting these for review even if they are not issued so we are in the pipeline because we anticipate this being ready to go in 60-days.

Carolyn asked Karl to address the ownership issue.

Karl – the ownership issue interpreted under the 601 District is that because it's you acting through a special assessment district then the County owns the asphalt. For the Board this is an issue but you could always do another assessment or a continued assessment for maintenance. Under the Public Improvement district while you sit as the Board, it is technically a separate political entity and the County wouldn't own the asphalt.

Don – in terms of the actual improvements are you intending to use this vehicle as financing for both streets internally to Traveler's Highlands as well as any intersection or CDOT right of way improvements?

Karl – yes, and my understanding and to clarify what I was told at the January meeting is that they are one and the same. The internal roads access the CDOT access so for the extent we would be working on the CDOT right of way we would be using this as the vehicle to complete that work; but our understanding was that the accesses themselves were being treated as public roads, not county roads.

Don – in terms of improvements, you're talking about the connection roads between the subdivision and the highway; the roads in the subdivision itself are you going to do any kind of improvement to the right of ways in the subdivision.

Karl – we were anticipating that we would like to use this as a vehicle to do that. Some graveling improvements have been done by various tenants and owners but we would like to formalize that and try to make it a more regular thing and address some drainage issues related to the roads. Either district allows us to address this as well as we move forward so we have a vehicle to accomplish that. One of the downsides to the subdivision is there is no Homeowners Association – it was platted in the 1960's and the roads were accepted by the County just a few years ago but there's a disconnect on us having a mechanism to be able to make things happen.

Don – in terms of the financing itself, is the intent to have the County front the cost and get reimbursed through assessments or taxes; or do you intend to sell bonds.

Karl – there are three options: 1) if the County chooses they could recover it's cost via the assessments; 2) we could sell bonds or utilize the assessments to repay bonds; or 3) a loan to complete the improvement; or 4) a group of owners could complete the improvements and then essentially sell the improvements to the County or the special district and those assessments would provide reimbursement.

Don – if we are going for the sale of bonds we need to get an underwriter involved right of way if that's the intent.

Karl – the initial improvements will be around \$200,000 for those road connections – the critical roads; we put in \$600,000 for the big picture of what it would cost to accomplish all of this. The other issue with bonds is this would require a Tabor election and that's a November ballot question and we'd be a year out so they want to complete the intersection improvements privately with an understanding or an agreement with whatever formed district or if it's the County with an Local Improvement District that we would get reimbursed for those expenditures and then we can deal with the longer term, underwrite, bond issues. It gives us more time.

Commissioner McCown – since this entails ongoing maintenance and other issues that may come up, I would clearly like to see this financed by this group of private individuals that are probably the direct beneficiaries of it as well but it would at least keep the operations of that Traveler's Highlands subdivision internal and give them much more control over their destiny. I don't think we want to go the bond route; bond attorney's drives the price up and cuts down on the end nickel that you get out of your bonds. If they can be privately financed then we move forward creating the district. They're paying themselves back, it's their nickel that's at risk and we do it through assessment and move on and it stays in place with their long range plans whatever that may be. They would have to present that but if additional streets, lighting, maintenance and all of that is incorporated into this plan it will stay in effect until a date certain or all amenities or improvements are complete.

Carolyn – we can't avoid the BOCC being involved in it.

Karl – the other difference between the Public Improvement District and the Local Improvement District is the Public Improvement District does require an organizational election; the Local Improvement District you form via Resolution.

Don – we did this in a previous district but there wasn't the question of on-going maintenance and upkeep as well as what I foresee in this situation that they'll be a continued need for additional improvements.

Commissioner McCown – when you come in with the creation of this, you have to have your plan and it has to have the total amount of money to be financed at one fell swoop.

Don – correct me if I'm wrong and my concern is that if it was not structured that way, a Public Improvement District allows that on-going quasi-governmental type of development, otherwise you're have a whole series of Local Improvement Districts which I don't think we really want to do; we'd like to see this organized once and then let the people who actually benefit manage the development of it.

Karl said that's the way I originally submitted this as a Public Improvement District; it is a petition based on the comments I'd heard. That being the case I would ask that we set it, there's a statutory requirement that a noticed public hearing on the issue occur between 20 – 40 days out and he requested 30-days.

Karl stated that in his letter, the conditioning landowners represent 70% of the landowners in the District. I'm comfortable with the outcome of the election.

Commissioner McCown – suggested the 21st of April to set a public hearing and made a motion to that effect at the 1:15 p.m. agenda time.

Commissioner Houpt second.

In favor: Houpt – aye; Martin – aye; McCown - aye

Building Permits for the Travelers Highland Subdivision

The Board okayed the building permits to be submitted and reviewed but no issuance until the improvements are made.

Commissioner Houpt is fine with putting these in the line unless these are bumping active building permits. Andy has a review and hold file he can put these in.

Waive Bond Requirement

Karl asked to have the Board waive bond requirement.

Commissioner McCown – no, this is a problem without some kind of financial assurance.

Karl was asking for this on the bond requirement. He said we can talk about it at the petition hearing.

Don suggested to wait for costs attached to it and take a look and today we're just deciding what process to follow, it's premature.

Chairman Martin suggested he bring this up on the 21st.

CDOT Permitting Process – Travelers Highlands

Carolyn requested an update.

Karl stated they have the 5C's access permit which is active and anticipating submitting for 5 platted accesses and anticipating submitting for two access permits, one for the current access if there's any revision for the 5C and then for an additional access point as well for the west. We would hope with two access points it will eliminate some of the issues that CDOT would have with accell and decell lanes because there's sufficient circulation in getting onto Highway 6 & 24.

TREASURER'S SEMI-ANNUAL REPORT AND PUBLIC TRUSTEE'S ANNUAL REPORT – GEORGIA CHAMBERLAIN

Georgia Chamberlain and Bob Slade were present.

Georgia submitted the Treasurer's Semi Annual Report for the second 6 months of 2007 that require the Board's direction to her to publish in the newspaper of general circulation; the Property Tax Collection Report of 2006 taxes collected in 2007; the Treasurer's Fee Collection Report; the School Acquisition fees; Sales Tax Reports including the 2007 Distribution Report and the Graph Sales Tax 11-year Comparison; and the Public Trustee's Annual Income Report 2007.

This will be on the website very soon.

Georgia collected in Treasurer's fees \$1.5 million this past year which goes into the general fund. She included the school acquisition fees that we collected and what the balance was and the Board of County Commissioners by statute are required to notify the different schools of the amount of money that we have and if the schools want that money then they need to request it of this Board and then the Board will direct Georgia to distribute the funds. Last year we had a 14.22% increase over the 2006 collection.

Bob Slade presented the Public Trustee's Report showing we processed 6,221 releases last year and the income was \$93,315.00; the foreclosure amount earned was \$13,617.52; we earned \$18,969.28 on our bank accounts and we had some miscellaneous income totaling \$220.75 for a total income for the Public Trustee of \$126,122.55.

She requested the Board approve these semi annual reports and direct her to publish in the newspaper.

Commissioner Houpt so moved. Commissioner McCown seconded.

In favor: Houpt – aye McCown – aye Martin - aye

ABATEMENT OF TAX LIEN SALE # 2002-0176, SCHEDULE#R200494 ASSESSED TO ESTATE OF J. E. BROOKS, RDLJ LLC CERTIFICATE HOLDER – GEORGIA CHAMBERLAIN

Chairman Martin swore in Georgia Chamberlain.

Georgia Chamberlain submitted the abatement and Resolution for the Commissioners review and approval of the total of \$1,767.75 to be tendered to the Garfield County Treasurer from the County General Fund, and that these moneys be applied to County costs incurred during the Treasurer's Deed application process and to the redemption moneys to be paid to the certificate holder, RDLJ, LLC.

Certificate holder would prefer we didn't abate it; it was an erroneous description and resulted in a wrongful sale.

Don asked the Board to authorize the abatement in the amount of taxes paid and cost incurred by the certificate holder as the abatement and then authorizes reimbursement of the Treasurer for cost expended as a separate item.

Chairman Martin – which is not to exceed a total amount of \$1,767.75.

Don stated the abatement is a certificate holder who has paid an amount in order to obtain the certificate; the sale has to be rescinded and the taxes abated and we have to refund money to the certificate holder.

Commissioner McCown – but we are refunding money to the Treasurer to re-coop expense to do the sale as a separate item.

Don was concerned but the total amount is a not to exceed but we don't have a figure in front of you today that covers the amount of taxes plus the certificate holder's costs.

In discussion, the determination was made that the actual abatement for taxes was \$132.75 including interest on the tax lien sales certificate of purchase and \$1,635.00 for the title search for cost incurred by the Treasurer's office.

Don – the abatement is the \$132.75; the second cost is the \$1,635.00.

Georgia said the Commissioners don't see in here the cost for advertising for sale at the tax lien sale.

Commissioner McCown made a motion we approve the Resolution concerned with abating tax lien sale 2002-0176 on Schedule R200494 in the amount of \$132.75 for the abated amount plus interest plus \$1,635.00 in expenses for the Treasurer.

Commissioner Houpt – second.

Chairman Martin – we know this is two separate actions; the taxpayer has to be reimbursed the \$132.75 and it's a reimbursement back to the Treasurer that we're struggling with – that \$1,635.00. That's clarified within the motion and we're just for the record clarifying what the action it to vote on.

In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC HEARINGS:

ABATEMENTS- – LISA WARDER

Lisa Warder was sworn in and presented the following abatements and requested approval.

ELEANOR W. SPENCE TRUST

08-173

SCHEDULE NO. R111810

The taxes assessed against the above property for the property tax year 2007 are incorrect due to a clerical error. The property was split in 2007. This schedule was not deleted at that time. The amount of the abatement is \$5,166.16.

ABATEMENT

JACK B. & NANCY M. HILTY

08-192

SCHEDULE NO. R320039

The taxes assessed against the above property for the property tax 2007 are incorrect due to an incorrect value that was completed by the commercial appraiser and noted that 50% of the property is being used as residential. The Assessor classified the property as 75% commercial and 25% residential use. The difference in the assessment rate and the reallocation of value necessitates an abatement of 2007 taxes in the amount of \$2,161.16.

ABATEMENT

GENE & CYNTHIA TREXIER

08-084

SCHEDULE NO. R040362

The taxes assessed against the above property for tax year 2005 and 2007 are incorrect due to numerous construction defects and this home is unable to receive a certificate of occupancy. The home is unlivable and unmarketable. The home has been put on at a minimal value according to confidential information from the homeowner. The abatement of taxes are for 2005 \$1,508.80 and for 2006 \$2,353.60.

Exhibit C was added to this Abatement.

This is not the homeowner's error; this is the appraiser's error.

Motion to close Public Hearing was made by Commissioner McCown and seconded by Commissioner Houpt. Motion carried.

Commissioner McCown made a motion to approve the abatement for **ELEANOR W. SPENCE TRUST SCHEDULE NO. R111810** in an amount of \$5,166.16.

Commissioner Houpt seconded. In favor: Houpt – aye McCown – aye Martin - aye

Commissioner McCown made a motion to approve the abatement of 2005 taxes of \$1,508.80 and for 2006 \$2,353.60 for **GENE & CYNTHIA TREXIER SCHEDULE NO. R040362**. Commissioner Houpt seconded. In favor: Houpt – aye McCown – aye Martin - aye

Commissioner McCown made a motion to approve the abatement of 2007 taxes in the amount of \$2,161.16. for **JACK B. & NANCY M. HILTY SCHEDULE NO. R320039**.

Commissioner Houpt seconded. In favor: Houpt – aye McCown – aye Martin - aye

RELEASE TO CONTRACT #10 FOR OLSSON & ASSOCIATES – MAREK KUBESA AND BRIAN CONDIE

Carolyn Dahlgren, Brian Condie and Marek Kubesa were present.

Carolyn presented the release to contract No. 10 for Olsson and Associates for the engineering services required for the upgrading of Runway 8/26 to ARC D-II requirements. The new runway will have a slightly different horizontal alignment and a significantly different vertical alignment to the existing runway. It will be 7,000 feet long and 100 feet wide.

The project is located on a mesa which is up to about 100 feet above the surrounding terrain.

The services to be provided under this Release to Contract are related to the 2008 construction project. This project has a total budget of approximately \$4.2 million. The work involved comprises determining the construction limits for a project meeting the budget; assembling the previously prepared plans and specification into a bid package covering the selected work items; dividing the work into schedules to facilitate adjusting the awarded work based on actual bid prices to the available budget; obtaining bids;

administering the construction contract; and providing construction inspection, materials testing and surveying services. The work has been divided into three tasks to facilitate project administration.

Task 1 – Prepare Bid Package – estimated construction costs of the work covered by this task is \$2,605,395.

Task 2 – Bid Support Services – contractors will charge approximately \$100 per set to defray printing expenses and to avoid frivolous acquisition of sets – total lump sum fee of \$30,535.

Task 3 – Construction Phase Services which includes the relocation of four power lines with a construction cost of approximately \$733,000 however the amount to be expended pursuant to this release to Contract No. 10 in calendar year 2008 shall not exceed \$458,135. This appropriation is limited solely to work to be accomplished on the project during the fiscal year ending December 31, 2008.

Carolyn requested the Board approve the Release to Contract #10 for Olsson and Associates in an amount not to exceed \$458,135 for fiscal year 2008.

Commissioner McCown – are we comfortable without numbers; is our FAA funding enough in the stream; we’re looking at a 90-day permit. From a liability standpoint this is all contingent upon funding.

Brain stated Matt has gone over the contract extensively. Some initial concerns but after looking at the contract, the costs are fair and reasonable and everything looks good.

Commissioner McCown – referenced page 9 or 10, Roman numeral IV – task will run concurrently.

Carolyn stated the Board by motion can delegate the authority to notice to proceed; this has a number of tasks and will need Brian to have that delegated authority.

Brian asked that the Board only approve this conditionally based on the service contract; he will bring this back to the Board in August of this year. Then we have to go out to bid again and notice it the proper way. He asked the Board to approve this conditional bond.

Commissioner McCown – Exhibit B1 – different rate under compensation. Why this disparity?

Matt can get an explanation but the total price in Exhibit B1 is the total price and total release price.

Carolyn – Task One which is to prepare the bid package and bid support and construction phase process; what Larry is seeing is just one of three.

Commissioner McCown made a motion that we approve the release to contract No. 10 and that the Chair be authorized to sign after the amendment to the existing service contract is approved and signed.

Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin – aye

Delegation of the Board’s Authority for Brain Condie, Airport Manager to issue Notices to Proceed on a Task by Task basis.

Commissioner McCown – so moved.

Commissioner Houpt – seconded. In favor: Houpt – aye; McCown – aye; Martin - aye

BUILDING & PLANNING ISSUES - PUBLIC MEETINGS:

CONSIDER THE APPOINTMENT OF GARFIELD COUNTY CITIZENS TO THE GARFIELD COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT – FRED JARMAN

Fred Jarman submitted the breakdown of openings for the Garfield County Planning Commission and the Garfield County Board of Adjustments.

Fred explained the process of advertising and the rationale behind the staff’s recommendations.

Commissioner Houpt – need a full slate of people and not seeing there is a full planning commission at the meetings.

Fred – this is a citizen board and sometimes it is difficult to make all the meetings.

Garfield County Planning Commission

Regular Members consist of:

Phillip Vaughan (Rulison)	seat open and he has requested reappointment
Cheryl Chandler (Silt)	seat open and she has requested reappointment
Sean Martin (Carbondale)	term expires in 12/08
Jock Jacober (Glenwood Springs)	term expires in 12/08
Bob Fullerton (Carbondale)	term expires in 12/08
Steven Reynolds (Glenwood Spgs)	term expires in 12/08
Existing vacant seat	OPEN – suggesting Terry Ostrom appointed as a regular member

Associate Membership

Terry Ostrom (Silt)	term expires in 12-09
Shannon Kyle (New Castle)	term expires in 12/10
Existing vacant seat	OPEN

There are three regular and one associate membership that need to be filled. The following written requests were submitted for consideration.

1. Phillip Vaughan (Rulison)
2. Cheryl Chandler (Silt)
3. Greg McKinnis (New Castle)
4. Steve Damm (Glenwood Springs)
5. John Neiley (Glenwood Springs)
6. Adolfo Gorra (Glenwood Springs)

Staff comments:

Regarding the Planning Commission, staff recommends that Terry Ostrom, associate member be appointed as a regular member to fill the vacant seat.

Commissioner McCown made a motion to appoint Phillip Vaughan and Cheryl Chandler as regular members as well as move Terry Ostrom to a regular member and appoint Grey McKinnis and Adolfo Gorra as associate members to the Planning Commission.

Commissioner Houpt seconded and stated she appreciated some of the in-depth information from the others but I would really encourage people to continue to submit their names; there are times when we don't get enough interest in some of these boards.

Chairman Martin stated that everyone that submitted letters expressed a big interest in it and all of them have been involved in land use and have seen the ups and downs and some agreed and some disagreed but they all have individual points of view that need to be heard and with a mixture that we have there of both seniors, veterans that have been in there plus all of the representatives from Carbondale to Rulison and the only one we don't have is Parachute.

Commissioner Houpt – we also need to look at how many are actually involved in the development community because we seem to have an over abundance of people who are and it would be nice to encourage people who are involved in other areas to become involved as well and I would have put John Neiley's name forward although I think all of these candidates are good, I think he would have added a great deal as well.

In favor: Houpt – aye McCown – aye Martin - aye

Fred's task it to notify the appointees and let the other know that we will also keep them in mind for future board members.

Garfield County Board of Adjustment

Regular Members consist of:

Steven Boat (Glenwood Springs) seat open and he has requested reappointment
Tom Morton (Glenwood Springs) seat open and he has requested reappointment
Brad Jordan (Glenwood Springs) term expires in 12/09
Jock Jacober (Glenwood Springs) term expires in 12/08
Leo Jammaron (Glenwood Springs) term expires in 12/08

Associate Membership

Thomas Barnabic (Silt) term expires in 12/09
Existing vacant seat OPEN
Existing vacant seat OPEN

Staff received three written requests for appointment.

1. Dwight Juhl (Glenwood Springs)
2. Steven Boat (Glenwood Springs)
3. Tom Morton (Glenwood Springs)

A motion was made by Commissioner McCown to appoint Steve Boat and Tom Morton as regular members and appoint Dwight Juhl as an associate member on the Board of Adjustment.

Commissioner Houpt – also indicated there is open seat on the Board of Adjustments and asked Fred to submit letters to those people not appointed to the Planning Commission Board to let them know of the opening on this Board of Adjustment.

CONSIDER THE REFERRAL OF A SPECIAL USE PERMIT TO THE PLANNING COMMISSION FOR PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCES FOR THE PHASE III OF THE ENCANA COMPRESSOR STATION. APPLICANT IS ENCANA OIL AND GAS (USA), INC. – FRED JARMAN

BACKGROUND

Fred Jarman presented.

The Building and Planning Department received a Special Use Permit (SUP) application for "Processing and Material Handling of Natural Resource" for a natural gas compressor station on the North Parachute ranch (a 27,000-acre property) owned by Encana Oil & Gas USA, Inc located at the end of County Road 215 north of Parachute and is also formerly known as the old UNOCAL property where oil shale processing occurred. The location of the compressor is just beyond the private gate at the end of County Road 215 adjacent to a permitted produced water storage facility.

- More specifically, the Applicant requests approval for the third phase of an existing natural gas compressor station permitted by Garfield County. This compressor will serve as a collector point where gathered natural gas is sent for dehydration and compression of gas collected in the North Parachute Ranch.

STAFF RECOMMENDATION

The Board has recently approved Phases I and II without referring them to the Planning Commission. This phase will result in one additional electric compressor as well as a variety of buildings that will not have an adverse impact to adjoining properties. The nearest residence is over 5 miles according to the Applicant's sound analysis where measurements were taken that the existing facility is inaudible. Therefore, Staff recommends that due to:

- 1) The limited nature of potential impacts to surrounding properties;
- 2) The remote location of the property such that it is situated at the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic; and
- 3) The fact that the site itself will be situated in an industrial area already characterized by intense industrial activity from the oil shale exploration / processing activities,

Staff recommends the Board direct Staff to schedule a public hearing for the Board and not refer the matter

to the Planning Commission.

Commissioner McCown made a motion to direct the staff to set this on the Board of County

Commissioners agenda for a public hearing.

Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC HEARINGS:

CONSIDER A SPECIAL USE PERMIT FOR “PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCES” (WATER GATHERING SITE) OPERATED BY BILL BARRETT CORPORATION WITHIN THE ARRD ZONE DISTRICT AND LOCATED APPROXIMATELY 2.5 MILES SOUTH OF THE TOWN OF SILT ON COUNTY ROAD 311. APPLICANT IS PERRY DAN RODREICK – DAVID PESNICHAK

David Pesnichak and Cody Smith from Wagon Wheel Consulting representing Dan Rodreick were present. Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board there was a time period of 6 months since the records were checked.

The Board approved the noticing.

Commissioner Houpt suggested to Cody that he follow the standard timeframe for noticing the landowners. Chairman Martin swore in the speakers.

Planner David Pesnichak submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Staff Memorandum; Exhibit E – Application; Exhibit F – Memo from the County Road and Bridge Department dated February 27, 2008; Exhibit G – Memo from the County Vegetation Management, Steve Anthony dated February 26, 2008; Exhibit H – Email from Brit McLin of the Burning Mountain Fire Protection District dated February 20, 2008; Exhibit I – Letter from Michael Erion, PE of Resource Engineering dated February 28, 2008.

Chairman Martin entered into the record Exhibits A – I.

David Pesnichak presented the proposal.

DESCRIPTION OF THE PROPOSAL:

The Building and Planning Department received a Special Use Permit (SUP) application for “Processing and Material Handling of Natural Resource” for a Water Gathering Site on property owned by Parry Dan Rodreick and operated by Bill Barrett Corporation located on an approximately 10 acre surface lease area 11 miles south of the Town of Silt and adjacent to Garfield County Road 311. The proposed facility will be installed in the Grass Mesa area on the existing 21B-31-691 SWD well pad in the SESW, SWSE of Section 30, NENW, NWNE of Section 31 in Township 6 South, and Range 91 West.

The Applicant is proposing to utilize an existing water gathering site within the 21B-31-691 SWD well pad to collect produced water from surrounding gas wells, separate residual oil and recycle the used water back into operations in the field via pipeline. The infrastructure is already in place and was utilized for the well which is on the existing well pad. Since the water gathering facility is now proposed to serve surrounding wells, it is necessary for the Applicant to obtain a Special Use Permit for the site. The Applicant has obtained the necessary Centralized E&P Waste Management Facility Permit from the COGCC and has bonded the site for reclamation and rehabilitation through the COGCC in order to use this facility to serve surrounding wells. Following discussions with the Applicant’s representative, this facility is only to permit the existing tanks on the well pad and it is not to incorporate any open air ponds.

BACKGROUND

Referral to Planning Commission

This Application was brought to the BOCC on January 14, 2008 for referral to the Planning Commission. At this meeting, the BOCC voted 3-0 not to refer this application to the Planning Commission.

SITE DESCRIPTION

The site where the water gathering facility is located is situated on a relatively flat area just south of the Town of Silt. The well pad is located on approximately 10 acres (as described in the Integrated Vegetation and Noxious Weed Management Plan) operated by Bill Barrett Corporation and owned by Perry Dan Rodreick.

ZONING & ADJACENT USES

The subject property is zoned Agricultural/Residential/Rural Density (ARRD). The type of use requested falls under the definition of “Processing and Material Handling of Natural Resources” which are contemplated as special uses in the ARRD zone district.

In the aerial photo of the area, the adjacent uses are primarily agricultural and ranching. There are single family residential uses with interspersed oil and gas development as well. The Applicant has represented that the nearest residence is over one (1) mile away while the COGCC Centralized E&P Waste Management Facility Permit indicates that housing is about 500 to 1000 feet to the south and east of the site. Without conducting a formal measurement, following a site visit it appears that the nearest housing is about 500 to 1000 feet away to the south. This home overlooks this facility from the top of a small hill to the south. To the north of the subject property, there is clear evidence of ranching and a barn for livestock. The surrounding oil and gas development includes nearby gas wells and pipelines.

STAFF RECOMMENDATION

Due to 1) the limited nature of potential impacts to surrounding properties, 2) the fact that the site itself will be situated on an existing well pad with an active gas operation, 3) and that the unmanned facility will not create any noise, vibration, dust or exhaust over and above the impacts of vehicles disposing of the produced water into the gathering tank and vehicles conducting maintenance on the site, Staff recommends the Board approve the request for a Special Use Permit for Processing and Material Handling of Natural Resources for a Water Gathering Site operated by Bill Barrett Corp. and on property owned by Perry Dan Rodreick with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless

- explicitly altered by the Board.
2. The Applicant shall comply with all standards as set forth in §5.03.08 “Industrial Performance Standards” of the Garfield County Zoning Resolution of 1978 as amended and included here as follows:
 - a. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
 - b. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
 - c. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
 - d. Emissions of smoke and particulate matter: every use shall be operated so as to comply with all Federal, State and County air quality laws, regulations and standards.
 - e. Every use shall be so operated that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations which may be required by law as safety or air pollution control measures shall be exempted from this provision.
 - f. Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate codes.
 - g. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces.
 - h. Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Mon.-Fri.
 - i. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.
 - j. Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.
 - k. Any lighting of storage area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.
 3. That the Applicant shall comply with the fire protection provisions included in the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the International Fire Code as the Code pertains to the operation of this facility.
 4. Water pollution: in a case in which potential hazards exist, it shall be necessary to install safeguards designed to comply with the Regulations of the Environmental Protection Agency before operation of the facilities may begin. All percolation tests or ground water resource tests as may be required by local or State Health Officers must be met before operation of the facilities may begin.
 5. That all necessary building permits are obtained for the water gathering site.
 6. Deliveries and construction to the water storage facility shall only occur during daylight hours.
 7. The Applicant shall treat the gravel surfaces within the facility periodically as needed with an approved dust suppressant to control fugitive dust.
 8. All construction and operation of the site shall occur in accordance with the Storm Water Management Plan (SWMP) as submitted.
 9. All construction and operation of the site shall occur in accordance with the most up-to-date Spill Prevention Control and Countermeasure plan for this site.
 10. All construction and operation of the site shall occur in accordance with the Wildlife Assessment and Management Report created by West Water Engineering and dated November 2007 for this site.
 11. The Applicant shall obtain all necessary driveway permits from the Garfield County Road and Bridge Department. Specifically, the Applicant shall pave the driveway apron to a depth of 20-feet into the site and to a minimum of 4-inches in depth.
 12. All industry traffic shall follow designated preferred haul routes to and from this site as further outlined in Exhibit F.
 13. The Applicant shall make the seed tags available to Garfield County upon completion of the reseeding efforts a survey and weed management plan has been provided. Further, a county listed noxious weed, white top (*Cardaria draba*) is not mentioned in the weed plan; however this species is prevalent on the Rodreick’s property in the fields to the east of the project area. It is likely that whitetop may be one of the initial invading species to this site post-disturbance. Any weed management contractor working on this project should be alerted to the threat of whitetop and be prepared to treat it early in the growing season should it become established on this site.

Applicant:

Cody Smith – the ponds are privately owned and used for irrigation only and nothing to do with the pads. As far as COGCC this is a separate bond. There is a state bond to cover all drilling and a basic \$50,000 bond for this pad. This covers reclamation.

This is an existing site and they will use the tanks only; most will run through pipelines. 90% of the water plans to come into the pad via pipeline. They do plan to re-inject water at the pad but to reuse as much water as possible.

Commissioner McCown asked if Cody was okay with Condition No. 6.

Cody said the applicant didn’t say anything.

A motion was to close the Public Hearing by Commissioner McCown and seconded by Commissioner Houpt; motion carried.

Commissioner McCown made a motion to approve a Special Use Permit for a Water Gathering Site operated by Bill Barrett Corp. and on property owned by Perry Dan Rodreick with the 13 conditions provided by Staff.”

Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER A SPECIAL USE PERMIT FOR A “CONTRACTORS YARD” WHICH WOULD INCLUDE THE STORAGE OF PORTABLE RESTROOMS, MIXING TANKS, SUPPLIES AND TRUCK PARKING OPERATED BY JACKIE’S PORTA POTTIES WITHIN THE ARRD ZONE DISTRICT AND LOCATED APPROXIMATELY 2.5 MILES EAST OF THE TOWN OF SILT ON COUNTY ROAD 233. APPLICANT IS WAYNE POLLARD – DAVID PESNICHAK REQUEST

Carolyn Dahlgren, David Pesnichak, Wayne Pollard, and Cody Smith from Wagon Wheel Consulting were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Planner David Pesnichak submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Application; Exhibit F – Staff Report; Exhibit G – Email from Brit McLin of the Burning Mountain Fire Protection District, dated February 20, 2008; Exhibit H – email from Jake Mall of the Garfield County Road and Bridge Department dated February 25, 2008; Exhibit I – Email from Steve Anthony dated February 27, 2008; Exhibit J – Letter from Chris Hale of Mountain Cross Engineering dated March 4, 2008.

Chairman Martin entered into the record Exhibit A – J.

The Applicant requests that the Board of County Commissioners (the Board) approve a Special Use Permit (SUP) allowing a “Contractor’s Yard” on a 35.313 acre parcel zoned Agricultural / Residential / Rural Density (ARRD). The intent is to utilize existing agricultural infrastructure to store portable restrooms, mixing tank, supplies and parking of pumper trucks. No water or wastewater facilities are proposed to be used at this facility. Traffic generated by the proposed use will be up to twenty (20) vehicle trips per day at predicted peak future activity but is expected to be approximately twelve (12) vehicle trips per day with current operations. The activity area is represented to be less than one acre.

The Applicant’s request is consistent with the definition of a Contractors Yard approved by the Board of County Commissioners.

The Applicant has represented that there will be no additional grading to the site. If the applicant changes the topography of the area, the Applicant may be required to obtain a grading permit.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Special Use Permit allowing a “Contractors Yard” in the ARRD zone district with the following conditions:

1. That all representations made by the Applicant in the application and as testimony in the public hearing before the Board of County Commissioners shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
2. The Applicant shall comply with all standards as set forth in §5.03.08 “Industrial Performance Standards” of the Garfield County Zoning Resolution of 1978 as amended and included here as follows:
 - a. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
 - b. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
 - c. Emissions of smoke and particulate matter: every use shall be operated so as to comply with all Federal, State and County air quality laws, regulations and standards.
 - d. Every use shall be so operated that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations which may be required by law as safety or air pollution control measures shall be exempted from this provision.
 - e. Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate codes.
 - f. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces.
 - g. All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening shall include sight obscuring wood fencing.
 - h. Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Mon.-Fri.
 - i. Loading and unloading of vehicles shall be conducted on private property and may not be

- conducted on any public right-of-way.
- j. Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.
 - k. Any lighting of storage area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.
3. The “mixing tank” shall include an impervious secondary containment system designed to contain the full amount of the contents of the mixing tank (1,550 gallons) in the case of a leak or spill. In addition, all chemical must be stored in a sealed, air tight container to eliminate the emission of fumes, reduce the possibility of spillage and further prevent the chemicals from being available to wildlife.
 4. At no time shall wastewater or other solid waste be transported to or stored at the permitted site.
 5. All portable toilets and the mixing tank (including secondary containment) shall be stored either within the fenced area and completely obscured from site of the general public or indoors. In addition, all pumping trucks must either be stored within the fenced area identified within this Special Use Permit and completely obscured from site of the general public or within another structure or garage which similarly obscures the site of these vehicles from the general public.
 6. At no time shall the total number of pumping trucks or other vehicles associated with this Contractor’s Yard stored on the site exceed five (5) vehicles.
 7. The Applicant shall obtain any necessary access or driveway permits from the Garfield County Road and Bridge Department.
 8. In order to control dust, the Applicant shall periodically treat the driveway with an approved dust suppressant.
 9. Since no wastewater treatment system is proposed for this use and that no water is proposed to be used in conjunction with this Special Use Permit, the Applicant shall not install any restroom facilities and shall not wash any trucks in association with the approved use.
 10. Specific to water use in conjunction with the approved Special Use Permit, the Applicant shall not wash or clean any portable restrooms on the premises; trucks or other vehicles shall not be washed on the permitted site; and any water used to mix chemicals shall not come from any water rights associated with the Subject Property. The Applicant has represented that no water will be used from water rights belonging to the Subject Property in conjunction with the Special Use Permit.
 11. The Applicant shall construct an eight (8) foot tall, completely obscuring, wood privacy fence in the area identified within the Special Use Permit to screen the portable restrooms, mixing tank and any vehicles associated with this Special Use Permit from the view of the general public. This fence shall have a lockable gate to prevent entrance by wildlife into the storage area.
 12. All vehicles associated with this Special Use Permit must be licensed and in compliance with State and Federal requirements.
 13. Prior to issuance of the Special Use Permit, the Applicant shall provide evidence that all buildings to be used in conjunction with this Special Use Permit have obtained a Garfield County Building Permit. If it is found that a building which is to be used in conjunction with the Special Use Permit has not obtained a Building Permit, then the Applicant shall obtain a Building Permit for that building prior to issuance of the Special Use Permit.
 14. The total area to be used for the Contractor’s Yard shall not exceed one (1) acre.

Applicant:

Cody Smith asked the site plan to be pulled up and wanted to make a point of clarity. He said there will still be a round pen and the storage will be in the lower portion of that. His intent is not to store port-a-potties but they will have them on site.

Wayne – there is no intent to store port-a-potties on site, if they’re not being used, they’re not making money. Some will be stored there for repair but mostly they will be on sites. We’ve actually owned this business since May 1, 2007 and until less than 30-days ago we had no port-a-potties at all, they’ve been in storage. One other thing for clarification on this is because of us having an employee on site, he must have a port-a-potty for the agricultural site. So the clarification of having a restroom facility I want to make sure we’re talking the same thing.

David said you need a port-a-potty for the agricultural site. That would be separate and independent of this SUP.

Cody – by OSHA law he is required for every 10 employees to have one port-a-potty on site.

Commissioner Houpt – if they’re working on site; this is for a storage application and it is not relevant for this type of permit.

Wayne said the only reason we’ve asked for any kind of an application is because if I work for the port-o-potties and drove the truck myself, according to what I understand I wouldn’t need to do this. But because there are employees and for me to be able to store the trucks there and just plug them in to have them warmed to be able to start them, that’s why I have to have this application. This is my personal residence and I do not want to turn it into a major contractor’s yard. This is a situation where we did ask for up to 5 trucks because currently we only have 3 but after doing enough research it would take about 5 where I could call weekly routes to justify and going out and buying a light industrial use property or commercial use property that the county would have to move the entire operation off.

Public Comments:

Jim Roark – I live at 6303 CR 233 across the street from Mr. Pollard. When I first got the notice I was concerned that this construction site might be a gas laydown or a pipe storage yard, a man camp and then I came in and reviewed the application and found this was not the case, however, a few things that made me question the County: 1) this is 2.5 miles east of Silt instead of 2.5 miles west of Silt and 2) the size of the plot is 7/10th of an acre and it looks like a whole lot more than this. Which really hasn’t got much to do with the application as long as I can be assured that this not going to be a step in the direction of the

previous uses that I just stated. If that's not the case then I don't have any objection to the use as stated in the permit.

Commissioner McCown noted the area that would reflect the 7/10th of acre and it is not this entire site.

Jim said when he questioned the planning people they thought it would be the entire plot.

Chairman Martin – no that is 35 plus acres. The rest will stay agricultural.

Clarification was made that the SUP was only for the 7/10th of an acre.

Commissioner Houpt – and that will be surrounded by an 8 foot fence to hide the storage in that area.

Jim asked where will the excess potties would be stored.

Wayne – there's some confusion everywhere; a lot of statements are correct but not totally correct. I do not plan on parking the trucks down there, the trucks are to be parked up there where the sheds are located, that's where the electricity is located and I need to plug them in. These trucks are basically one ton trucks and a lot of your Dodge trucks are larger than these trucks so we're not talking the big tank trucks, we're not talking 18 wheelers. I actually had more use on my property when I was operating this as a full fledged agricultural operation and had more activity than what we're proposing here now. Where the port-a-potties are going to be stored would be there in that corner, that's where I want to store them. The port-a-potties are approximately 5 x 5 feet so they're only going to be about 25 square feet; for the port-a-potty to be stored will cost him money. At any one time there will probably not be over 20. He was out bid on a project and had to bring them in to get them staged to go back out. These port-a-potties are always clean when transferred. We always dump on a daily basis at your landfills. Only time there would be any storage is a case where you clean out a few port-a-potties and the dump was closed and you would have to store waste overnight until the dump opened. They have to be dumped on a daily basis. A lot of the supplies that might be stored consist of toilet paper, salt tablets and stuff. The entire storage would less than 200 to 300 sq. feet; we're not talking about massive amounts of storage.

Jim Roark – wanted to be assured that the provisions of the permit are adhered to and nothing beyond that. This location and as far as the 7/10th of an acre, I thought it was the whole area, but now that it is this small area he doesn't feel it will be confined just to that area either so looks like to me there is some deviations in the permit already.

Commissioner Houpt – that's what I want to get clarified also because we do have conditions in place that state the vehicles connected with this business will be screened within that privacy fence area. I'm hearing a different thing from the applicant.

Cody – this is my fault for not clarifying that with David, but it is spelled out on the site plan exactly what is proposed for the uses out there and if you look at the site plan in the top right corner on that building with the lines through it, it does say proposed equipment storage building and then where the proposed water tank will sit. This will store the equipment.

Commissioner Houpt – so the vehicles will be stored inside of that building.

Cody – correct. It is screened on three sides. It is open on the south side facing away from the County road.

David – the Language No. 5 says it either needs to be within the fenced area or completely obscured from vision; or within another structure or garage. So as long as they are out of site of the public they are okay.

Carolyn – As a special use permit is with the entire 35 acres, but Mr. Pollard is bound to follow the site plan and if he changes the site plan, he has to come back and do another special use permit.

Commissioner McCown – and that would include some kind of change to a commercial yard that Mr.

Roark alluded to, like a laydown yard or whatever. That would be a complete change in use which would entail a new permit and a new hearing, so at that time you would certainly be given notice and given the opportunity to speak on that change as well.

Commissioner McCown made a motion to close the public hearing; Commissioner Houpt seconded.

Motion carried.

Commissioner McCown made a motion that we approve the request for a special use permit allowing for a contractor's yard with the 14 conditions as presented by staff. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION – APPLICANT IS THE ESTATE OF MARY E. LOGAN – CRAIG RICHARDSON

Donald G. Sullivan for the estate, Craig Richardson, and Carolyn Dahlgren were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Planner Craig Richardson submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E - Garfield County Comprehensive Plan of 2000; Exhibit F – Application; Exhibit G – Staff Report.

Chairman Martin entered Exhibits A – G into the record.

PROPOSAL

The Applicant, the Estate of Mary E. Logan represented by Mr. Sullivan, is requesting approval from the Board of County Commissioners (the Board) for an Exemption from the Definition of Subdivision (Exemption). If approved, the Exemption will create five (5) lots from a 91.29-acre parcel (lots 1-4 and the remainder of the subject property). The subject property is eligible for four (4) lots as identified in §4.52 (a) of the Garfield County Subdivision Regulations of 1984. County Road 335 right of way divides an 8.979-acre portion of the property accounting for the requested fifth lot.

STAFF RECOMMENDATION

Staff finds the proposed Exemption complies with §8:00 of Garfield County Subdivision Regulations of 1984, as amended and recommends the Board of County Commissioners approve the request for an Exemption from the Definition of Subdivision for parcel number 218104100124, with the following conditions of approval:

1. That all representations made by the Applicant in a public hearing before the Board of County

Commissioners shall be considered conditions of approval unless otherwise amended or changed by the Board.

2. The Applicant shall include the following text as plat notes on the final exemption plat:
 - a. *Control of noxious weeds is the responsibility of the property owner.*
 - b. *One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owner's property boundaries.*
 - c. *No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.*
 - d. *All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward and downward, towards the interior of the subdivision exemption, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.*
 - e. *Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming or other agricultural activities and operations within Garfield County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.*
 - f. *All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.*
 - g. *All new septic systems and residential foundations shall be designed by a professional engineer licensed to practice in Colorado.*
 - h. *Addresses are to be posted where the driveway intersects the County road. If a shared driveway is used, the address for each home should be posted to clearly identify each address. Letters are to be a minimum of 4 inches in height, ½ inch in width and contrast with background color.*
 - i. *Driveways should be constructed to accommodate the weights and turning radius of emergency apparatus in adverse weather condition.*
 - j. *Combustible materials should be thinned from around structures so as to provide a defensible space in the event of a wild land fire; and*
3. Prior to the signing of the plat the Applicant shall provide the following:
 - a) A water quality analysis conducted by an approved testing laboratory demonstrating both well meet State guidelines concerning bacteria and nitrates;
 - b) A pump test (four hour minimum) conducted on the four (4) proposed wells;
 - c) A copy of an Approved West Divide Water Conservancy Contract;

Craig - The parcel is eligible for 4 lots and the applicant wasn't aware that the remaining lot would be considered the 5th parcel. This is at the Board's discretion. If you chose not to, then the applicant would be required to dissolve one of these three proposed lots if you chose not to allow an additional lot.

Applicant:

The property is divided by CR 335. None of this property has ever been used as part of the ranch in the last 40 plus years. The only thing used on there and they are quite old is bee hives. The line that you see on the upper line is the center of the river. These properties go to the center of the river. It is a long slim property; this map does not show the entire property. It goes to a long skinny piece up along the trailer court and it is somewhat deceptive in size because a lot of the property is in the river. These parcels along the river set about 120 feet above the river where the building sites are located. The piece that I'm asking for the 4th parcel has a driveway already on it and it was given to me as an easement by Mr. Glare; my plan is to donate half of that property down to the corner to the Division of Wildlife. The reason for that is two fold: right now the public is dumping trash in there at a big rate and shooting in there a great deal and the Division of Wildlife would like to see that stopped and the simplest way is to donate that to them now hopefully. There's a little piece of their land that goes across on the north side of County Road 335. I'm asking for that to be done. Some of their land is on the north side of the CR 335; he is asking for this to be done, it isn't a necessity. I would definitely like to get the fourth lot; it's a piece of land that's never been used by the ranch, it's across the road and already separated from the other property.

Craig – no matter what happens by the Board, the proposed Lot 1 will need to be closed; this plat does not show the entire 17 acre parcel and will need to be included in the plat.

Public comments:

Russell Talbott – owner of Apple Tree Park and an adjacent landowner to the proposed subdivision. A couple of concerns to voice and asked for clarification relative to the 5 parcels. What's shown on the map is

four lots and with the 5th lot this makes up the 91 acres total as opposed to 30 plus in the four lots. One other point of clarification if you do a swap with the DOW does this require another lot.

Mr. Sullivan – no. What I plan on doing is just a property line adjustment where I actually make my property smaller and plan to donate the land to the DOW.

Russell – my two concerns I have are: 1) is indeed that Lot 1 running along the Colorado River for an extended way there that's below Apple Tree Mobile Home Park and 2) the other full map shows it on there. The concern I have there is two fold: 1) that's traditionally the public access to the river for the people that live in Apple Tree Mobile Home Park that currently fish down there and recreate down there. This has the potential of creating a restriction from their access. That's a concern of our and would like to see that public access to the river along that frontage as I know that's a concern for the County is to try and provide public access to the river as possible.

Commissioner Houpt – asked who's property it is?

Russell – currently it is the Mary Logan Estate – it does belong to them, but current the access is being gained across their property. It has not been restricted historically.

Mr. Sullivan – there's no fence keeping them out and no fence saying they can use it.– I don't have a problem Mr. Talbot and requested I do sell to them; I have no problem doing that myself, but my lender did. He likes river boat and I don't foresee it being a problem other than hassle him as long as he doesn't hassle somebody that comes up fromwhat I'm going to do here, I'm going to give each of these four owners a 15 foot fishing easement along almost the mile or river frontage for each of them and that's all. Whether that owner would decide to have a problem would be something else. Now if he wanted that owner to deal with him and say okay I'll sell this property to you – fine, he can do that. I can't at this point. I would if I could because as I told him, I have no problem in doing that but I worked hard to get financing on this and I can't jostle with the lender.

Russell – this is a very narrow strip of land and so the actual amount of ground is around 30 to 40 feet wide.

Mr. Sullivan – at times it is even covered with water.

Russell – that's an issue and it would certainly be an extreme hardship on that Lot owner to block or fence that entire area and try to keep people out.

Mr. Sullivan – I'm personally not going to do that but what the new owner does, I can't tell you. The new owner will have to deal with Mr. Talbot's issue and I don't think that it is a big issue but maybe he does.

Russell – the 2nd concern has to do with full public disclosure on the subdivision exemption plat as to display the actual fence line that surrounds the current wastewater plant. The amount fenced is greater than shown on the plat. What is shown currently is the easement, the actual amount is fenced greater than that and in light of the fact that encompasses a great amount of territory.

Mr. Sullivan showed the easement on the plat.

Russell - There's a road easement and an easement for the lagoon itself but that easement and actual amount of area that's fenced in is greater than the amount that it is actually the easement and I believe is an adverse claim.

Don Sullivan – I believe so too and don't have any problem with that. And if he wants a quiet title on that, he's been using it openly for more than 17 years and more than the required use and no problem. I wouldn't fight a quiet title if he filed. If this owner happens to put signs on there that's something I can't help – it's his property to do so.

Russell – my concern isn't whether it be contested or not, my concern is that the exemption plat in light of the desire to have that discloser on there is prudent to show that entire area on the plat itself. I do know also that there

Mr. Sullivan asked to clarify exactly what Russell wants.

Russell – just that the plat itself would show that fence line that basically is the historical fence line that surrounds the wastewater facility so that's its again that historically used area. I think that would be prudent to show it again.

Mr. Sullivan – I think what the map shows is your easement line and that's what it's required to show. Is it not?

Commissioners – yes.

Chairman Martin – and it's smaller than the fenced in area, am I'm taking that right Russ?

Russell – the fenced in area is larger than the easement.

Chairman Martin – so obviously the fence is outside the easement and that's what he wants to have notified.

Mr. Sullivan – that's not my responsibility to do that – my responsibility is to show the edge of the easement; I'm not contesting him as far as his ownership because he's established that over time. I'm not going to try and fight that.

Carolyn – an easy way to handle that would be to add a plat note rather than expense of a survey.

Russell – a plat note would work for him.

Mr. Sullivan – my opinion is that I have shown on the plat the edge of the easement and it shouldn't be my requirement to show the fence, even though the fence is not where the easement is, it's larger; it is onto the property. I think if it's anybody's expense to do that it would be Mr. Talbot's but if he requires it by a note on there, we're giving up our rights to that property.

Carolyn – the note would say that there is a dispute of the boundary line of the easement – this is what's shown by Book and Page.

Chairman Martin – and the fence doesn't necessarily align with the easement.

Craig – the language you prefer if this is approved.

Commissioner Houpt – would that cloud anything, would that problematic for you.

Craig – a plat note identifying an encroachment on the easement?

Carolyn – it wouldn't show the difference between an easement and the dispute, all it would say is there's a difference between the fence line and the easement description, but that up to you.

Commissioner McCown – why would you need to say that on the plat?

Carolyn – you don't have to; it's at your discretion.

Mr. Sullivan – the Talbots have used this for 20 something years and you’re probably going to need to go to court.

Commissioner McCown – no one is Mr. Sullivan denying that but the point being I don’t think that a plat note is the proper venue to address this; it’s a civil issue that you and he can address at another time because the easement is going to stay where it is on that plat.

Craig – recommended requiring a condition that all existing easements be depicted on the plat.

Don Sullivan – complimented the planning staff saying they are the most professional staff - that I’ve been coming to Planning Commissions for longer than I care to remember and I found this staff to be the most professional of all of them.

Commissioner McCown made a motion to close the public hearing. Commissioner Houpt seconded. Motion carried.

Commissioner McCown made a motion we approve the exemption of subdivision including the four lots as alluded to with the larger parcel across the river as the existing home parcel if you will adding “d” to number 3 which would be a copy of the well permits and number 4 would be a condition of approval that all existing easements be shown on the plat. Commissioner Houpt seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

CONSIDER AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. APPLICANTS: PAUL AND CELIA NIESLANIK – CRAIG RICHARDSON

Paul and Celia Nieslanik, Karen Crownhart, daughter of the applicant, Kelly Cave with Dan Kerst PC, Carolyn Dahlgren and Craig Richardson were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. He advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Planner Craig Richardson submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E - Garfield County Comprehensive Plan of 2000; Exhibit F – Application; Exhibit G – Staff Report.

Chairman Martin entered Exhibits A – G into the record.

PROPOSAL

The Applicants, Paul and Celia Nieslanik are requesting approval from the Board of County Commissioners (the Board) for an Exemption from the Definition of Subdivision (Exemption). If approved, the Exemption will create two (2) lots from a 66.017-acre parcel.

STAFF RECOMMENDATION

Staff finds, the proposed Exemption complies with §8:00 of Garfield County Subdivision Regulations of 1984, as amended and recommends the Board of County Commissioners approve the request for an Exemption from the Definition of Subdivision for parcel number 239334400009, with the following conditions of approval:

1. That all representations made by the Applicant in a public hearing before the Board of County Commissioners shall be considered conditions of approval unless otherwise amended or changed by the Board;
2. The Applicant shall provide an approved well permit prior to Staff presenting the Exemption Plat to the Board of County Commissioners for signature;
3. The Applicant shall provide a water quality analysis conducted on the proposed lot prior to Staff presenting the Exemption Plat to the Board of County Commissioners for signature;
4. The Applicant shall provide an approved Basalt Water Conservancy District Contract prior to Staff presenting the Exemption Plat to the Board for signature;
5. The Applicant shall provide the results of a pump test (4hr minimum) conducted on the proposed well after completion;
6. The proposed access easement shall be depicted on the Exemption Plat;
7. The Applicant shall include the following text as plat notes on the final exemption plat:
 - a. *Control of noxious weeds is the responsibility of the property owner.*
 - b. *One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owner’s property boundaries.*
 - c. *No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.*
 - d. *All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward and downward, towards the interior of the subdivision exemption, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.*
 - e. *Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming or other agricultural activities and operations within Garfield County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur*

- as a part of a legal and non-negligent agricultural operations.*
- f. *All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.*
 - g. *Addresses are to be posted where the driveway intersects the County road. If a shared driveway is used, the address for each home should be posted to clearly identify each address. Letters are to be a minimum of 4 inches in height, ½ inch in width and contracts with background color.*

Craig reviewed some of the conditions listed above.

Commissioner McCown asked if we need a driveway sharing agreement if something ever happened and these parties parted ways.

Carolyn – absolutely because this is an exemption and not a real subdivision the plat doesn't create the easement so there has to be a separate document which is a declaration.

Craig said it was included in the packet.

Kelly Cave said the wonderful staff covered it all and they have submitted the well permit, the Basalt Water Conservancy Contract and the pump test.

Paul Nieslanik – regarding the easement coming off CR 100, do we need a description of the road on the plat?

Commissioners – yes.

Kelly Cave – a hand drawing was submitted and it will be as-built so we won't have to do any more surveying.

Commissioner McCown – if it is surveyed, it has to be recorded. It has to be a legal description and to protect it. It would need to be recorded.

Commissioner McCown made a motion to close the public hearing; Commissioner Houpt seconded. In favor: Houpt – aye Martin – aye McCown - aye

Commissioner McCown made a motion we approve the exemption from the definition from subdivision creating two lots with the 7 conditions of staff.

Commissioner Houpt seconded. In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER A SPECIAL USE PERMIT ALLOWING AN INDUSTRIAL SUPPORT FACILITY – APPLICANT IS ENCANA OIL AND GAS INC. (MARATHON OIL COMPANY LESSEE) – CRAIG RICHARDSON

Craig Richardson, Amy Stoodt project manager from Marathon Oil Company, and Carolyn Dahlgren were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Planner David Pesnichak submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Staff Memorandum; Exhibit E – Application; Exhibit F – Memo from the Grand Valley Fire Protection District, dated January 9, 2008; Exhibit G - Memo from the County Vegetation Management, Steve Anthony dated February 26, 2008; Exhibit H – Email from Garfield County Environmental Health, dated January 10, 2008; Exhibit I – Memo from Mountain Cross Engineering (Garfield County's Consulting Engineer) dated January 16, 2008; Exhibit J – District Court, Water Division No. 5 Court decree No. 99CW300; Exhibit K – Union Oil Company of California Case No. 82C@380; Exhibit L – Colorado Division of Water Resources Well Permit No. -23584; Exhibit M - Colorado Division of Water Resources Well Permit No. 6045F; Exhibit N - Colorado Division of Water Resources Well Permit No.25483; Exhibit O - Colorado Division of Water Resources Well Permit No. 25482; Exhibit P - Colorado Division of Water Resources Well Permit No.25480; Exhibit Q – Letter from Colorado Division of Water Resources dated January 25, 2008; Exhibit R – Memo from Garfield County Road and Bridge dated December 27, 2008.

Chairman Martin entered Exhibits A – R into the record.

REQUEST

Marathon Oil Co. (on behalf of the property owner) has submitted a Special Use Permit to allow an "Industrial Support Facility – Pumping Facility" on a property situated within the Resource Lands – Gentle Slopes Lower Valley Floor Zone District, northwest of the Town of Parachute. The purpose of this application is to allow the construction of a pumping facility to supply freshwater for support of natural gas development activities. Pipelines uses to transport water will be permitted under a separate Garfield County Application.

The total disturbed area of the proposed facility is represented as two and a half (2.5) acres and will consist of three (3) electric pumps located within a 50 x 80 pre-engineered pump house, an electrical substation, five (5) 500-barrel water storage tanks and a pipe manifold area. The application represents that the perimeter fencing will be utilized to prevent wildlife and livestock from accessing the facility.

It is represented that water will be provided to the proposed facility via an industrial well owned by Solvay Chemicals. A water supply agreement has been include as Appendix G in the submitted application. The Applicant provided copies of well permits allowing for the proposed use. Staff discussed the status of the existing wells with Dwight Whitehead, Division of Water Resources. It was determined that through Court Decrees the wells are authorized for commercial and Industrial oil and gas operations.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Special Use Permit allowing an "Industrial Support Facility – Pumping Facility" with the following conditions:

- 1) That all representation made by the Applicant in the application and as testimony in the public hearing before the Board of County Commissioners shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
- 2) Volume and Sound generated shall comply with the standards set forth in the Colorado Revised State Statute;
- 3) The Applicant shall comply with all performance standards identified in §5.03.08 of the Garfield County Zoning Resolution of 1978, as amended;
- 4) All lighting associated with this use shall be directed downward and away from adjacent properties;
- 5) That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation for this type of facility;
- 6) The Applicant shall provide a copy of a stormwater management Plan;
- 7) The Applicant shall implement all recommendations identified in the Wildlife Assessment and Management Report completed by WestWater Engineering dated September 2007;
- 8) The Applicant shall submit revegetation security in the amount of \$6,000.00 prior to the issuance of the Special Use Permit;
- 9) The Applicant shall obtain a building permit for the proposed pump house structure;
- 10) The proposed facility shall include a designated Fire Department 4.5 inch connection.

Applicant:

Amy Stoodt, Project Manager – with regard to access, during construction we will actually split access between EnCana’s gate off 215 and the Turkey Crossing road that parallels 215 to keep the dozers off of CR 215. There will be a little bit of a split between construction and permit access. The stormwater management plan, the reason what wasn’t included is because there is a 1500 foot pipeline that runs from the Savoy wells to this location and we’re on a 3rd reiteration between Williams and EnCana with a pad that’s down there trying to route that and that right of way will be included in the storm water management plan so it’s still in progress. The \$6,000 bond is actually being done in our corporate offices as we speak; the building permit issue – we’ve applied for that because it’s the same building we put on top of the warehouse that you approved recently and we’re just waiting on this Special Use Permit approval and the fire department we have no issue with.

Craig clarified that this was on the same warehouse facility.

Amy – it’s the same building.

Craig – so we’ve already collected security for that have we not?

Amy – this is a different facility.

Craig – it is not on the same disturbed area.

Commissioner Houpt – it’s being moved.

Craig noted that Marathon will be coming in with a separate pipeline permit to distribute the water collected for the facility, if required.

Commissioner McCown made a motion close the public hearing; Commissioner Houpt seconded. In favor:

Houpt – aye Martin – aye McCown - aye

Commissioner McCown made a motion that we approve the Special Use Permit allowing an industrial support facility for EnCana Oil and Gas Inc. Marathon Oil Lessee with the 10 conditions as presented by staff. Commissioner Houpt seconded. In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER A SPECIAL USE PERMIT FOR AN INDUSTRIAL SUPPORT FACILITY FOR A TEMPORARY OFFICE. APPLICANT IS ENCANA OIL AND GAS (USA), INC. – FRED JARMAN

Fred Jarman presented and said this application has been set for April 7th.

From the March 10, 2007 Meeting, the motion was made but the vote was not taken.

Transfer of Ownership of Localizer Shelter – Brian Condie and Tim Arnett

Chairman Martin called for the question.

In favor: Houpt – aye McCown – aye Martin – aye

New Planner for Building and Planning

Fred – introduced new planning staff – Dusty Dunbar – good experience in Colorado and most recently from Castle Rock.

Chairman Martin asked Dusty to comment on some words of wisdom for which she replied; “it’s always darkest before dawn and the best time to steal your neighbor’s newspapers”.

Dusty has lived in this area, worked in the area previously as Town of Silt planner, has a house in New Castle and also worked with the Town of New Castle as well as with Mesa County.

ADJOURNMENT

Attest:

Chairman of the Board
