

**MINUTES OF C4 GENERAL MEMBERSHIP MEETING, DECEMBER 18, 2007
7 p.m., Cliff Lanes**

Welcome and introduction (Joe).

Joe Arbuckle, Chairman, opened the meeting at 7 p.m. Thanked everyone for attending and introduced members of the C4 Board. Also briefly described C4's purpose and its webpage (<http://c4citizen.com>), where all C4 information is posted.

Discuss events in 2007 (Joe).

1. Position papers. Explained the format of C4 position papers, designed to analyze the impact of certain policy decisions. Briefly described the C4 papers and letters prepared and presented to the Board of Commission (BOCC) in 2007:

Cluster development – potentially relevant for Zones 3 and 4.

Water – a preliminary paper while water augmentation is being considered in the County.

A public policy decision-making model – for consistency in the process of approaching decision-making that will lead to the best possible decisions.

Tape recording of BOCC meeting – with recommended holding period of four years.

Recombining Planning Commission (PC) and Board of Zoning Adjustment (BZA) meetings - for greater efficiency and effectiveness.

Full adherence to Sunshine laws/Freedom of Information Law – for open and transparent government operations.

Consideration of coordinating land use issues under a Land Use Code – reviewing the forthcoming Model Land Use Code prepared by the Colorado Office of Smart Growth to ascertain its usefulness to Custer County.

Humboldt Ranch PUD – no C4 position taken on the application, but C4 did recommend that a legally enforceable development agreement be signed between the County and the applicant, which stipulated specific terms and conditions upon which the application is approved if approval is eventually given.

Moratorium on further PUD applications until existing resolution is reviewed.

2. PUDs in Zones 1 & 2. Noted that County regulations specify intended land use by zone: Zone 1 to be primarily agricultural with low density of one dwelling per 80 acres and Zone 2 with low density of one dwelling per 35 acres. Stated that C4 takes the position that the existing regulation applying to a PUD process conflicts with the original intended land use, by allowing for a 1000% increase in density in Zone 1, or 10 homes clustered in 20 acres per 80 acres. Similar clustering in a PUD in Zone 2 would also not represent “low density.”

19 Dec Planning Commission workshop, 10:00 a.m. to review subdivision regulations and cluster development (Joe in Patty O'Brien's absence).

Reminded and encouraged those present to attend the workshop in the Court House. C4 representatives would support the BOCC decision not to allow cluster developments in Zones 1 and 2 if the subject surfaced.

Water update; quantity vs. distribution in the country (Wiley Larson).

Spoke for the C4 Water Committee on general issues:

1. The United States Geological Survey information on available water in the Wet Mountain Valley does not address the fact of uneven distribution of water. Who is entitled to all that water?

2. The Water Committee is following the County Master Plan as it researches the water issue. It has lots of questions but not yet the answers regarding water.

- a. Keep water in the County, but what does this mean?
- b. Understand how much water is here, how it is distributed, how it is used, and how to get it.
- c. Review and influence the governance of water. Currently the Water Court is the only arbiter regarding water. Should County government be engaged with water issues to oversee County-wide interests?
- d. Should County government enforce future augmentation rights?
- e. People affected by changes in the use of water need to be able to be informed of change and able to represent themselves, if necessary in Water Court.

An open and useful discussion followed, with varying views expressed:

- There are changes required in real estate contracts regarding water, effective January 2008.
- The margins of profit for agriculture and other land uses, while aiming to save water, need to be analyzed.
- How is “high density” housing/dwellings defined? What is low density?
- Minds need to be open without usurping the value of the land to the owner.
- A balance should be agreed upon to prevent conclusions that appear to be “over restrictive.”
- The pressure for land may become greater in the future than it is now.
- Guidelines for the future might be addressed by the County through a series of public workshops.
- A professional analysis is needed to help define degrees of density for the County.
- In a survey done some years ago, most land owners in Zone 1 had “wanted to do more” with their land, including possible PUDs. C4 will review that survey.
- Custer County should consider the consequent cost of services to taxpayers if open land is not preserved.
- Cost of services is a land issue and should not be part of the C4 water position paper.
- Taxpayers and the County need to educate themselves more by looking elsewhere at the issues that evolve from development and urbanization and at what could happen if we don’t take concern and learn about it: it is not an all or nothing issue.
- It is imperative that the County look at existing water augmentation plans to help fill out the whole picture.
- If citizens believe water is so important, then shouldn’t the BOCC be expected to be engaged with water issues?

Joe reported that C4, in order to help clarify the complex water arena, plans to prepare a matrix that would list water actions and who is responsible, accountable, and has authority to accomplish the various actions.

Miscellaneous (Joe).

1. Encouraged C4 participants to attend BOCC and other County meetings.
2. Invited questions to C4 via email (information@c4citizen.com) or through its website, which C4 will answer.
3. Explained that the reason for C4 membership votes to be handled by email through its website, and by hard copy for those without email, was for expediency and to reach all members, since C4 general meetings do not include maximum attendance.

a. From the floor, one person objected, stating that open dialog is lost by email, that votes should be documented, including who voted how, and that no vote should not be counted as a vote in favor.

b. Joe replied that the Board will discuss the voting question further.

4. Encouraged everyone to volunteer for PC and BZA associate positions that will be appointed in early 2008.

Property rights (Joe).

Observed that in many discussions regarding land use, an argument that charges violation of “individual property rights” tends to shut down discussion before all sides are presented. Stated that everyone favors individual property rights, but that for genuine and honest conversations to occur, the argument for “collective rights” should also be equally heard, since what one person does on his/her property invariably has an impact to varying degrees on others, depending on circumstance involved. Where there are competing demands, finding the right balance between individual and collective rights is the best solution.

Comments from the floor:

- Homeowner associations are examples of using collective rights, which usually involve some sacrifice of individual property rights.
- Discussing land use is an opportunity to come together “to give to get,” rather than “divide and conquer.”
- Is there a problem regarding PUDs? Each PUD is a “plan,” which must be looked at individually. There is no need for a moratorium of PUD applications, since there have been only two PUDs in Zone 1 in 30 years. (Joe replied that the problem is the policy regarding PUDs, rather than the process or the frequency.)
- Mineral rights could pose serious questions for the County. C4 should consider looking into mineral rights.
- Respect the majority, but remember the minority; aim for balance.
- It is good to “flush out” areas of agreement and disagreement.
- There is compensation due from overly restrictive laws.

Open discussion and adjournment.

A speaker stated that the BOCC should look into conservation easements in the County, particularly to ensure that appraisals are not inflated and there are no resulting costs to the community. Bob Senderhauf and Lockett Pitman agreed to further discuss the concern and recommendation for BOCC involvement.

Joe thanked everyone for the good dialogue, which had included many viewpoints. The meeting adjourned at 8:45 p.m.

Respectfully submitted,
Margaret Karsten, Secretary