

EXHIBIT A4 – PLANNING COMMISSION PACKETS (2/26/13 & 3/21/13)

AGENDA
OURAY COUNTY PLANNING COMMISSION
REGULAR MEETING / WORK SESSION

February 26, 2013 7:00 – 10:00 p.m. (appx)
Meeting to be held at the Ouray County 4-H Event Center
22739 Highway 550, Ridgway, Colorado

*If all agenda items are not covered in this time frame they may be continued until the next regular meeting. ***Times are approximate and subject to change***. If an item is finished early the Planning Commission will move directly to the next agenda item. If not a Public Hearing, public comment may or may not be taken during the meeting. Action may be taken at the conclusion of public hearings.*

I. Call to Order – Regular Meeting of the Ouray County Planning Commission (7:00)

1. Public Hearing: Proposed Land Use Code Amendment; Section 9 - Visual Impact Regulations (7:00)

The purpose of the hearing is to consider possible amendments to Section 9 – “Visual Impact Regulations”.

Copies of land use applications or workshop materials can be obtained at the Land Use Office at 111 Mall Road, Ridgway, CO; by calling 970.626.9775 or e-mailing mcastrodale@ouraycountyco.gov. Comments on the agenda items may be sent to Mark Castrodale, County Planner, P.O. Box 28, Ridgway, CO 81432.

Planning Commission Public Hearing, February 26, 2013 Section 9, "Visual Impact Regulations"

Please sign in at the front tables. You will find three different sign-in sheets; one for support of revisions, one for opposition to the changes, and one for neutral parties. Please sign whichever best describes your position. Please also mark whether or not you would like to speak, and whether you're part of a group that is giving an organized presentation*.

* Note, groups that are giving an organized presentation will be allowed 15 minutes to give their presentation. If you are represented by that group you will not be allowed to comment further during the public hearing. You may, however, submit written comments to be entered into the record, and considered by the Planning Commission.

The Hearing:

- 1) Staff will present the history of the Visual Impact review
- 2) Planning Commission presentation
- 3) Staff explanation of Section 9 administration changes
- 4) Public Comment
 - a. Written and oral comments will be accepted
 - b. Time limits will be enforced. The time keeper will notify you when your time limit is up.
 - c. Organized groups will give presentations first (15 min. max/group)
 - d. Individuals will be allowed to speak next (3 min. max)
 - i. Comments will alternate between support, opposition, and neutral (taken from the sign in sheets)
 - ii. If your views are similar to a previous speaker or group, please state that you agree with their points, instead of repeating the same comments over.
 - iii. If public comment is not complete by 10:00 p.m., the hearing will be continued to March 21st, and the Planning Commission Chair may request that additional comments be submitted to the Land Use Staff in writing, by March 14th.
- 5) Planning Commission Deliberation
- 6) Motion/Second/Vote

Vote will be taken from the Planning Commission members via a "roll-call vote". This will allow each member to give their comments on the proposal, and why they are voting in favor or opposition.
- 7) Conclusion by Planning Commission Chair

**PLANNING COMMISSION
SECTION 9 DRAFT**

Draft Section 9

(1/15/2013 Draft)

(Amended on 1/17/2012; added Section 9.3L to correct an omission)

VISUAL IMPACT REGULATION

9.1 PURPOSE

In order to preserve the scenic beauty, rural setting, character, and the dominating influence of the natural environment of Ouray County, there is hereby established a Visual Impact Regulation. The intent of this regulation is to minimize the visual impact of both individual structures and development as a whole so that development blends with the natural surroundings and does not compete with the existing physical environment for the viewer's attention, thereby preserving the unique physical environment and scenic values that have traditionally characterized and defined Ouray County.

9.2 COMPLIANCE

A. All exteriors of newly constructed structures, as well as, all the exteriors of remodeled portions of existing structures, all of the exteriors of additions added to existing structures, and all of the exteriors of reconstructions shall blend, see Section 9.7C for the definition of blending.

B. All building permits for new structures, as well as, all exteriors on new structures, remodels, additions, and reconstructions; all new public roads, private roads, driveway cuts, and driveway fills; shall meet the requirements of this Section 9 except the following:

(1) Maintenance and/or repairs on existing structures, public and private roads, driveway cuts, and driveway fills.

(2) Accessory structures, private roads, and private driveways used exclusively for agricultural or mining purposes, and not located on any bench, ridge, escarpment, or hilltop.

(3) Structures, driveways, or roads that can be clearly demonstrated not to be visible from the highways and roads listed in Section 9.3A.

(4) Fences which are 75% or more transparent and all fences that are 4 feet high or less.

(5) Remodels, additions, or reconstructions to an existing structure, that breaks the skyline and that is not on a bench, ridge, escarpment, or hilltop, shall not be required to comply with the skyline breakage requirements of Section 9.3D; provided that (1) the square footage of the existing structure shall not be expanded or enlarged by more than twenty (20) percent, and (2) the roof height of the expanded or enlarged structure shall be less than or equal to the roof height of the existing structure, and (3) this exception has not been previously applied to the existing structure being remodeled, added on to, or reconstructed.

(6) Remodels, additions, or reconstructions to an existing structure, that violates the

set back from the centerline of a road or roads included in Section 9.3A and that is not on a bench, ridge, escarpment, or hilltop, shall not be required to comply with the set back requirements of Section 9.3A, provided that (1) the degree of nonconformity of the existing structure shall not be expanded or enlarged by more than twenty (20) percent, and (2) shall be no closer to the center line of a road or roads included in Section 9.3A than the existing structure.

(7) Structures, driveways, roads, or lots which are shown on the Plat of the Colona Zone Boundary dated January 1986 and recorded in the Ouray County Clerk's Office on March 4, 1986 as Reception No. 138553.

(8) The one hundred (100) foot setback requirement in Section 9.3A does not apply to subdivisions approved prior to enactment of this revision of Section 9 of the Ouray County Land Use Code.

C. Existing structures, public roads, private roads, and driveways cuts and fills shall be allowed to remain in their present state subject to the provisions of Section 4 of this Code.

D. A visual impact mitigation plan and commitments to ensure the plan's completion shall be required when a building permit application for a structure does not meet the requirements of this section. Such a plan and commitments must be approved by the County prior to issuance of required permits, including but not limited to building, access, driveway, road construction, PUD, and special use permits.

E. Historically accurate new structures may be exempt from exterior color requirements if:

(1) The new structure is consistent in architectural design (including size and building mass), style, and color to existing structures built prior to 1920 and located within one mile of the proposed structure, e.g. mining structures in the alpine zone and agricultural structures in ranching/farming areas.

(2) Data verifying historical accuracy shall be provided by the applicant. The County shall make the determination as to whether a structure is historically accurate.

(3) All other regulations and requirements of Section 9 shall be enforced.

9.3 CRITERIA AND STANDARDS

The objective for structures to be constructed within the view corridors is to blend with and retain the existing character of the natural landscape. The level of change to the landscape should be very low. Development may be seen but should not dominate the view of the casual observer.

A. All proposed structures shall be at least one hundred (100) feet from the centerline of U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A, County Roads 5, 5A, 7, 8, 8A/B/D/G/H/I/K/L, 9, 9A/X/Y/Z, 10, 10A, 12, 12A, 14, 14A/B, 16, 17, 18, 20A/B/C/D/E/W, 23, 24, 24A/C/D, 26, 26A/B/C/D/E, 31, 31A, 361 and 906A/B unless siting the structure at less than 100 feet from the centerline reduces visual impacts. (See exceptions 9.2B (7) and (8))

B. All structures visible at or within 1.5 miles, as measured on a two dimensional map, from the centerline of the roads or highways listed under Section 9.3A (as represented by the Ouray County Visual Impact Corridor Map) shall be subject to the impact and mitigation criteria contained in Section 9.3C. The maximum number of points allowed per structure shall be six (6).

C. Impact and Mitigation Criteria:

<p>IMPACT CRITERIA</p> <p>Points for the following criteria are to be added together:</p>	
<p>1. Size of structure (see Section 9.3 I for what is included and excluded for the size)</p>	<p>One-tenth (0.1) point for every 100 square feet. Excludes non-visible basements.</p>
<p>2. Height of structure (see Section 9.3C (1))</p>	<p>Three-tenths (0.3)point for every foot of the weighted average height of the structure visible from the view window(s).</p>
<p>MITIGATION CRITERIA</p> <p>Points for the following criteria are to be subtracted from the impact criteria points:</p>	
<p>1. Natural screening as measured over the viewing window(s)(see Section 9.7N for a description of natural screening)</p>	<p>8 pts. for greater than or equal to 75% screening 6 pts. for 50% to less than 75% screening 4 pts. for 25% to less than 50% screening 2 pts. for 10% to less than 25% screening 0 pts. for less than 10% screening</p>
<p>2. Distance of structure from a designated road (see Section 9.3A)</p>	<p>One-half (0.5) point for every quarter mile (0.25 miles) plus 1 point for every 200 feet starting at 200 feet and ending at 600 feet. Maximum available points are 9.</p>
<p>3. The proposed structure is located within an existing subdivision, PUD, or on a conforming parcel.</p>	<p>1 point</p>

<p>4. Apparent building mass as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.3C(2) for how points are assigned and Section 9.7R for definition and illustration of viewing window).</p>	<p>0 to 3 points (In one-half (0.5) point increments)</p>
<p>5. Additional screening as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.3C(3) for how points are assigned and Section 9.7R for definition and illustration of viewing window).</p>	<p>0 to 2 points(In one-half (0.5) point increments) If the lot has 10% or less natural screening as measured from the point or points in the viewing window(s) where the structure is most visible then up to 2 additional points may be assigned in one-half (0.5)point increments.</p>

(1) Building height impact points shall be calculated using a weighted average height. (See Section 9.7U)

(2) Apparent building mass mitigation points shall be assigned based on the following: one-half (.5) point for each apparent building mass element used and which mitigates the mass and scale of the visible portion of the structure by shading or shadowing at least ten (10) percent of the structure's silhouette as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.7A and R).

(3) Additional screening mitigation points shall be assigned based on the following: one-half (.5) point for each element of additional screening used and which mitigates the mass and scale of the visible portion of the structure by shading or shadowing more than ten (10) percent of the structure's silhouette as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.7M and R).

D. No structure shall break the skyline as seen from any viewing point within any viewing window as established by Section 9.7R of this Code except the following;

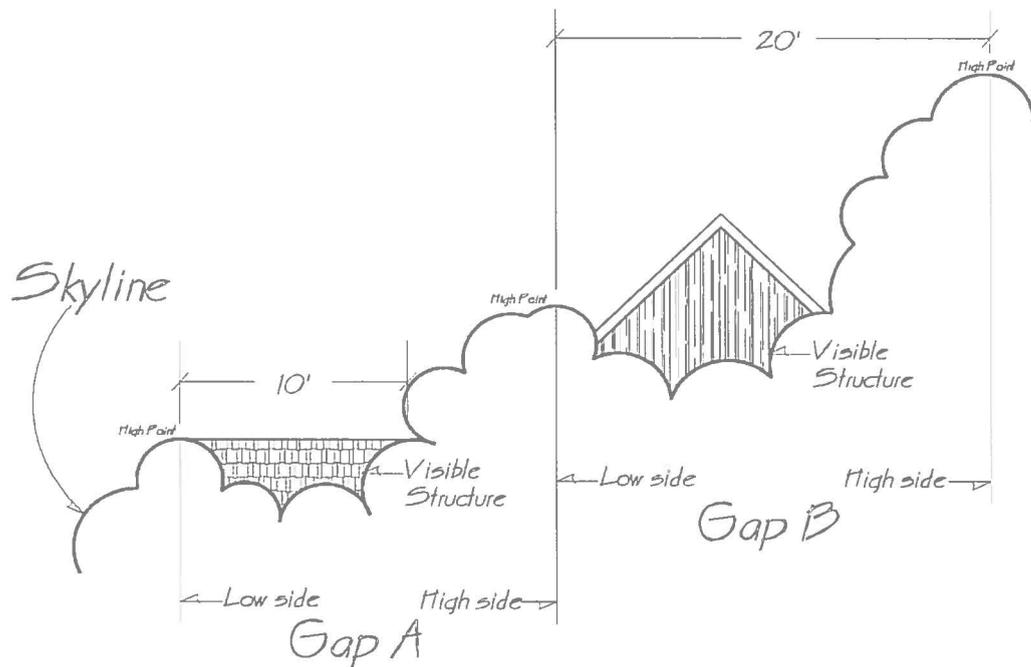
(1) Where there is a gap in the existing skyline no greater than ten (10) feet wide, a maximum length of ten (10) feet of the roof and walls of the structure may be visible as measured along the skyline, but shall not exceed the height of a horizontal line extended from the high point of the lower side (see Illustration A, Gap A below).

(2) Where the roofline is not horizontal to the viewing window, an additional maximum length of twenty (20) feet of the roof and walls of the structure may be visible as measured along the skyline. This additional twenty (20) feet must not be connected to the first ten (10) feet and shall not

exceed the height of a line extended from the high point of the lower side to the high point of the high side (see Illustration A, Gap B below).

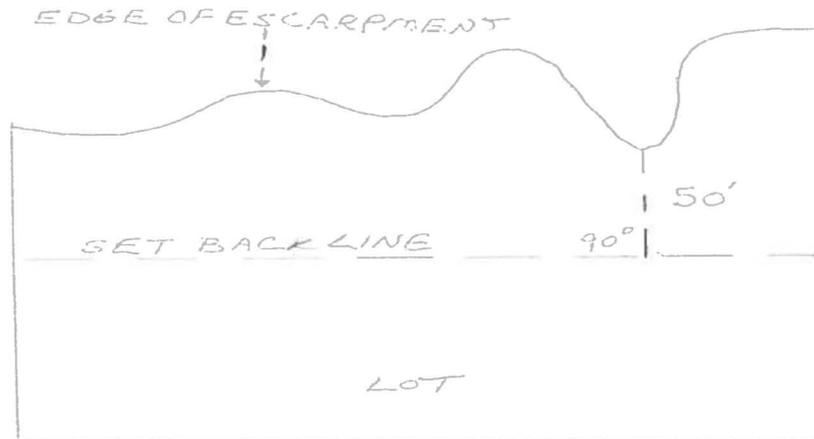
(3) Where no building site exists that meets the skyline breakage requirements as described above the skyline may be broken provided: (a) the proposed site is not on a bench, ridge, escarpment, or hilltop; (b) the maximum distance in the viewing window that the breakage is visible is not more the 500 feet; and (c) the portion of the proposed structure which breaks the skyline does not exceed fifteen (15) percent of the unscreened silhouette.

Illustration A:



E. In addition to any requirements imposed by this Section, all structures falling within a viewing window and located along a ridge line or escarpment shall be set back a minimum of fifty (50) feet from the ridge line or edge of the escarpment as measured from a point marking the closest (i.e. deepest) edge of the ridge line of the escarpment on the lot (See Illustration B below).

Illustration B



F. All public roads, private roads, and driveway cuts and fills shall be revegetated and/or reforested utilizing materials native to the undisturbed area or otherwise made to achieve harmony with the adjacent natural landscape.

G. All development is required to comply with the provisions of Section 27 of this Code, "Outdoor Lighting Regulations".

H. To the extent that it is practical structures shall be positioned on site to mitigate visual impact by use of the natural character of the surrounding landscape and terrain.

I. For floor levels that are partially below grade, the floor area used to calculate visual impact points shall be a percentage of the total area of that level to be determined by dividing the square footage of the exposed exterior wall area of that level visible in any viewing window by the total square footage of the exterior wall area of that level.

Example: 1,200 square feet of exposed and visible wall area divided by 2,400 square feet of total wall area equals point five zero (0.50) or fifty (50) percent.

J. Only the portions of a structure that are visible from the viewing window(s) require visual impact mitigation (see mitigation criteria in 9.3C).

K. Blending and screening shall be evaluated under summer vegetative conditions.

L. All roofing, siding and windows used shall not be constructed of highly reflective materials. These materials shall include, but not be limited to: stainless steel, polished metal, bright metal, galvanized metal and glass coated with reflective material.

9.4 PROCESS FOR REVIEW

A. Development Requiring Only a Building Permit

(1) Upon receipt of a completed application for a building permit, the County Land Use Staff shall review the project and determine whether it meets the requirements of this Section 9. If the County Land Use Staff finds the project in compliance, the County Land Use Staff may issue a building permit for the project. If the County Land Use Staff determines that the project does not comply, the County Land Use Staff, in writing, shall so notify the applicant and indicate areas of noncompliance.

(2) An applicant may appeal the decision of the County Land Use Staff to the Board of Adjustment in accordance with Section 9.6.

B. All Other Development (PUDs, Special Use Permits, and Roads)

All Other Development shall be reviewed for visual impact compliance during the normal development review process as outlined in Section 5, Section 6, and Section 23 of this Code.

9.5 SUBMITTAL REQUIREMENTS

A. A visual impact plan shall be required for all Planned Unit Developments and Special Use Permit applications submitted to the County. The study, at a minimum, shall include the following information:

(1) P.U.D. Sketch Plan

(a) A preliminary written analysis of the visual impact of the development, a statement explaining how the proposal complies with the visual impact criteria, and a statement explaining measures taken to reduce or eliminate the visual impact of the proposed development.

(b) A map illustrating required information including, but not limited to: existing vegetation, vegetation to be removed, viewing areas, roads, and lots.

(2) P.U.D. Preliminary Development Plan and Special Use Permit

(a) A final written analysis of the visual impact of the development, how the proposal complies with the visual impact criteria, and measures taken to reduce or eliminate the visual impact of the proposed development.

(b) A final map illustrating the requirements of the sketch plan and including but not limited to: topography, building envelopes, building cuts, and road cuts and fills.

(c) Photographs of the site from key viewpoints.

(d) Proposed building elevations.

(e) Topographic sections.

B. The Planning Commission may, with prior approval of the Board of County Commissioners, seek qualified outside professional assistance during its process. If the applicant has not provided professional assistance, the cost of such assistance shall be considered part of the County's expenses incurred in reviewing the development proposal

and, as such, shall be chargeable to the developer. If the applicant has provided professional assistance and the County is seeking professional assistance to review the applicant's proposal, the County shall bear all expenses incurred.

C. The following shall be required for all structures:

- (1) Scaled site plan showing proposed location (footprint) of all proposed construction.
- (2) Elevation drawings of proposed structures with height and square footage.
- (3) Color samples for roof, walls, garage doors, and trim.

9.6 APPEAL PROCESS AND VARIANCE CRITERIA

See Sections 19.7 and 19.8 of the Land Use Code

9.7 DEFINITIONS

A. APPARENT OR "PERCEIVED" BUILDING MASS

The general appearance of a structure as modified by design elements used to mitigate the mass and scale of a structure through such things as shading and shadowing. Such design elements include but are not limited to fenestration, overhangs, indentations, changes of material, changes of texture, changes of color, different roof styles (gable, hip, etc.), porches, patios, decks, stairs, columns, etc. (see Section 9.3C(2))

B. BENCH

A long and narrow strip of level or gently inclined land bounded by distinctly steeper slopes above and below it.

C. BLEND OR BLENDING

Blending may be accomplished by insuring that all exterior materials, finishes, and colors for structures integrate with the surrounding natural environment to produce a harmonious effect. Blending shall include the use of non-reflective building materials and low luster earth tone colors. Contrasting or complementary colors in building trim are not precluded, provided these colors do not dominate the structure. Blending should achieve minimal visual contrast to the surrounding natural landscape or vegetation as viewed from a designated corridor. Screening, size, shape, color, hue saturation, texture, tone and shade or light reflection (glare) should all be components of blending.

D. BUILDING MASS

The general shape(s) of a building, attached structural components, and/or ornamental components.

E. COMMERCIAL SOLAR FARM

An energy generation facility or an area of land principally used to convert solar energy to electricity for commercial purposes.

F. EARTH TONE

A color scheme that draws from a color palette of browns, tans, greys, greens, oranges, whites, blues and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay pigments, such as umber, ochre, and sienna.

G. EDGE OF ESCARPMENT

The line of intersection whereby a cliff or steep slope (fifty (50) percent or greater) separates two comparatively level or gently sloping surfaces.

H. ESCARPMENT

Along steep slope or cliff at the edge of a plateau that separates two relatively level areas of differing elevations.

I. GLARE

An excessively bright source of light in a person's field of view, which interferes with a person's visual perception. Glare is hereby defined as a light reflectance value (LRV) of more than forty (40) percent. LRV is the fraction of light exiting a surface compared to the amount of light falling on a surface.

J. HILL

A well-defined landform elevated above the surrounding terrain. It is often rounded and is generally somewhat lower and less steep than a mountain.

K. NEIGHBORHOOD SOLAR FARM

An energy generation facility or area of land principally used to convert solar energy to electricity for the purpose of supplying power to a neighborhood or subdivision on a lot/parcel within that subdivision or neighborhood.

L. RIDGE LINE

A geological feature consisting of a chain of mountains or hills that form a continuous elevated crest for some distance.

M. SCREENING – ADDITIONAL

Flora (trees, bushes, grass, etc.), terrain shape, bodies of water, elevation changes, material elements (fences, walls, berms, etc.), etc. which are added to a lot and are designed to mitigate visual impact and to create harmony with the surrounding natural environment. Flora used in additional screening shall be adapted to the site and require little or no irrigation, such as flora used in xeriscaping. (see Section 9.3 C(3) and Mitigation Criteria, Box 5)

N. SCREENING - NATURAL

Flora, topographical features (hills, valleys etc.), terrain shape, bodies of water, elevation changes, etc., which naturally exist and hide all of a structure(s) from the viewing window(s). (See Section 9.3C, Mitigation Criteria, Box 1)

O. SILHOUETTE

An outline that appears to be dark against a lighter background.

P. SKYLINE

The line where the sky seems to meet either earth or vegetation.

Q. STRUCTURE

See definition in Section 22 of the Land Use Code. In addition, structures, which may require review under this Section 9, include but are not limited to fences, gates, towers, freestanding walls, retaining walls, and alternative energy structures.

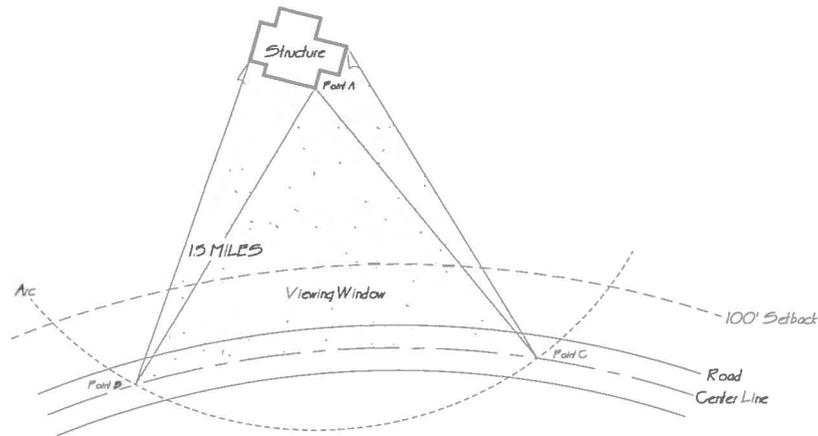
R. VIEWING WINDOW

The length of road over which natural screening, apparent building mass, additional screening, weighted average height of a structure, and skyline breakage shall be evaluated. Viewing window is defined as follows:

- (1) Determine the nearest point of the structure to any point along the centerline of the highway or roads listed in Section 9.3A. That point of the structure becomes Point A.
- (2) From Point A, strike an arc with a radius of 1.5 miles until it crosses the centerline of any of the highways or roads listed in Section 9.3A. That point of intersection becomes Point B.
- (3) Continue the arc above, until it again crosses the centerline of the highway or road. That point of intersection becomes Point C.
- (4) The viewing window is that portion of the road or highway between Point B and Point C.
- (5) Multiple viewing windows shall be established if the centerline of more than one of the above highways or roads listed in Section 9.3A is at or within 1.5 miles of the nearest point of any structure of a development.

See Illustration C below.

Illustration C



S. VISUAL IMPACT

Development that does not blend with its natural surroundings, dominates the landscape, or competes with the existing physical environment for the viewer's attention.

T. VISUAL IMPACT PLAN

A map or maps and supporting documentation detailing the visual impact mitigation measures being taken to assure compliance with Section 9 of the Ouray County Land Use Code.

U. WEIGHTED AVERAGE HEIGHT (used solely with Section 9.3C's impact points) (see Section 9.3C(1))

The calculation of a structure's height, where each roof section that has a different height, is weighted by the percentage of the roof at that height. The total percentage of all roof heights together must be 100%. The weighted average is calculated as follows:

1. Length of each roof section divided by total linear feet of all roof sections = percentage of each roof section to total length of all roof sections.
2. (Height of section 1 x percentage of section 1) + (height of section 2 x percentage of section 2) + (height of section 3 x percentage of section 3) + = Weighted Average Height.

V. XERISCAPING

Landscaping or gardening in ways that reduce or eliminate the need for supplemental water from irrigation, especially in arid and semi-arid climates. It utilizes water-conserving techniques such as drought tolerant plants, mulch, and efficient irrigation.

9.8 ALTERNATE ENERGY STRUCTURES

A. All alternate energy collectors must blend unless a blending method would interfere with the operational specifications of the collectors (e.g. painting of wind turbine blades).

B. The glare effect produced by light reflecting from an alternate energy collector shall not create an unreasonably adverse impact with regard to intensity and duration. Applicants for solar arrays shall sign and record a covenant agreeing to mitigate glare found to be a nuisance occurring after installation and within a period of one year. If County Land Use Staff determines that glare creates an unreasonable off-site impact as viewed from a viewing window(s), then vegetative screening, repositioning of the collector, or other effective means of reducing glare may be required to mitigate the impact. The property owner is responsible for mitigation of glare.

C. General

Solar energy collectors must conform to the same standard as structures with regards to skyline breakage.

D. Roof Mounted Solar Energy Collectors - General

Roof mounted solar energy collectors shall not result in any structure exceeding the maximum height as defined in Section 3 Zoning Provisions/Zoning Districts.

E. Flat Roof Mounted Solar Energy Collectors

Solar energy collectors constructed on flat roofs can be raised up to six (6) feet above the height limit of the roof, measured to the top of the panel, provided the collector does not break the skyline.

F. Pitched Roof Mounted Solar Energy Collectors

Solar energy collectors mounted on pitched roofs shall not protrude above the ridge of a roof.

G. Ground Mounted Solar Energy Collectors

(1) Ground mounted solar energy collectors and other ancillary development (racking assembly, balancing system, utility boxes, etc.) shall have a "matte" finish or be made of a non-reflective material and/or color. Equipment that is painted shall be maintained.

(2) Ground mounted solar energy collectors shall be limited to twelve (12) feet in height.

(3) Ground mounted solar energy collectors shall be measured in conformance with the applicable height regulations in the Code. However, a pit may be dug for placement of a ground mounted solar energy collector so that snow does not accumulate and block solar access. In this case, the height of the final assembly shall be measured from the least restrictive grade.

(4) Ground mounted solar energy collectors shall be located within approved building envelopes and shall comply with all setback requirements.

H. Solar Farms

(1) Submittal requirements for all Solar Farms as follows:

Site plans shall include locations of all panels and accessory development such as utility trenching, access roads, service plans, and structures associated with the solar farm.

(2) Requirements for Neighborhood Solar Farm and Commercial Solar Farm as follows:

(a) Accessory structures associated with solar farms shall be limited to 1,000 square feet in aggregate.

(b) On site power lines associated with the solar farm shall, to the maximum extent practical, be placed underground.

(c) Application for a commercial solar farm shall require Special Use Permits and require a professional glare study by a County specified engineer paid for by the applicant.

(i) If the study determines potential glare, the application must propose mitigation measures.

(ii) If glare cannot be mitigated, County Land Use Staff may deny the application. The applicant has the right of appeal.

I. Residential Wind Energy Collectors

(1) Residential wind energy collectors must comply with building height restrictions.

(2) Residential wind energy collectors shall not break ridge lines or skylines as viewed from the view corridor.

(3) Poles must blend and be painted in a non-reflective, muted color.

See Section 7.3G Alternate Energy Structures for additional building code requirements.

9.9 COVENANTS RELATING TO VISUAL IMPACT

The covenants of any Planned Unit Development, as required by Section 6.8B(4)(i), shall contain at least the following provisions as well as any other provisions required by this Code:

A. All development within the PUD shall comply with the visual impact criteria requirements of this Section 9.

B. An internal mechanism (such as an architectural control committee) shall be created through which any construction must have prior approval and through which the covenants may be enforced.

C. The visual impact provisions of the covenants may not be amended or altered without prior approval of Ouray County in accordance with Section 6.12B4 of these regulations.

**PLANNING COMMISSION
REPORT ON SEC. 9 DRAFT**

Report from the Ouray County Planning Commission to the Ouray County Board of County Commissioners Regarding the Planning Commission's Recommendations for Modification to Land Use Code Section 9 Visual Impact Regulations

The Ouray County Planning Commission held workshops (typically three times a month) from January 4, 2011 to February 7, 2013. There was considerable public input, particularly from the architect community and other interested citizens. As directed by Resolution 2010-045, the OCPC included a review of the Section 9 Draft 18 May, 2010 as part of its deliberations. The following report documents the proposed revisions.

9.1 PURPOSE

Current:

In order to preserve the scenic beauty, rural setting and character and the dominating influence of the natural environment of Ouray County, there are hereby established Visual Impact Regulations. The intent of these regulations is to minimize the visual impact of both individual structures and development as a whole so that development does not compete with the existing physical environment for the viewer's attention, thereby preserving the unique physical environment that has traditionally characterized and defined the county and protecting the County's property values.

Proposed revision:

In order to preserve the scenic beauty, rural setting, character, and the dominating influence of the natural environment of Ouray County, there is hereby established a Visual Impact Regulation. The intent of this regulation is to minimize the visual impact of both individual structures and development as a whole so that development blends with the natural surroundings and does not compete with the existing physical environment for the viewer's attention, thereby preserving the unique physical environment and scenic values that have traditionally characterized and defined Ouray County.

Differences:

- **Added blending**
- **Removed protecting the County's property values**

9.2 COMPLIANCE

Current:

A. All land use approvals and all new construction including public or private road and driveway cuts and fills must meet the requirements of this Section 9 except the following:

- (1) Accessory structures, private roads and/or driveways used exclusively for agricultural or mining purposes, and not located on any escarpment or ridgeline.
- (2) Structures, driveways or roads that can be clearly demonstrated to be not visible from the highways and roads listed in Section 9.3 A.

B. Existing structures, public or private roads and/or driveway cuts and fills shall be allowed to remain in their present state subject to the provisions of Section 4 of this Code.

C. A visual impact mitigation plan and commitments to ensure the plan's completion must be approved by the County prior to issuance of required permits, including but not limited to: building, access, driveway and road construction permits.

D. Continued compliance with these regulations shall be required in the future, notwithstanding an initial determination by the County that development meets the requirements of this Section 9.

Proposed revision:

A. All exteriors of newly constructed structures, as well as, all the exteriors of remodeled portions of existing structures, all of the exteriors of additions added to existing structures, and all of the exteriors of reconstructions shall blend, see Section 9.7C for the definition of blending.

B. All building permits for new structures, as well as, all exteriors on new structures, remodels, additions, and reconstructions; all new public roads, private roads, driveway cuts, and driveway fills; shall meet the requirements of this Section 9 except the following:

(1) Maintenance and/or repairs on existing structures, public and private roads, driveway cuts, and driveway fills.

(2) Accessory structures, private roads, and private driveways used exclusively for agricultural or mining purposes, and not located on any bench, ridge, escarpment, or hilltop.

(3) Structures, driveways, or roads that can be clearly demonstrated not to be visible from the highways and roads listed in Section 9.3A.

(4) Fences which are 75% or more transparent and all fences that are 4 feet high or less.

(5) Remodels, additions, or reconstructions to an existing structure, that breaks the skyline and that is not on a bench, ridge, escarpment, or hilltop, shall not be required to comply with the skyline breakage requirements of Section 9.3D; provided that (1) the square footage of the existing structure shall not be expanded or enlarged by more than twenty (20) percent, and (2) the roof height of the expanded or enlarged structure shall be less than or equal to the roof height of the existing structure, and (3) this exception has not been previously applied to the existing structure being remodeled, added on to, or reconstructed.

(6) Remodels, additions, or reconstructions to an existing structure, that violates the set back from the centerline of a road or roads included in Section 9.3A and that is not on a bench, ridge, escarpment, or hilltop, shall not be required to comply with the set back requirements of Section 9.3A, provided that (1) the degree of nonconformity of the existing structure shall not be expanded or enlarged by more than twenty (20) percent, and (2) shall be no closer to the center line of a road or roads included in Section 9.3A than the existing structure.

(7) Structures, driveways, roads, or lots which are shown on the Plat of the Colona Zone Boundary dated January 1986 and recorded in the Ouray County Clerk's Office on March 4, 1986 as Reception No. 138553.

(8) The one hundred (100) foot setback requirement in Section 9.3A does not apply to subdivisions approved prior to enactment of this revision of Section 9 of the Ouray County Land Use Code.

C. Existing structures, public roads, private roads, and driveways cuts and fills shall be allowed to remain in their present state subject to the provisions of Section 4 of this Code.

D. A visual impact mitigation plan and commitments to ensure the plan's completion shall be required when a building permit application for a structure does not meet the requirements of this section. Such a plan and commitments must be approved by the County prior to issuance of required permits, including but not limited to building, access, driveway, road construction, PUD, and special use permits.

E. Historically accurate new structures may be exempt from exterior color requirements if:

(1) The new structure is consistent in architectural design (including size and building mass), style, and color to existing structures built prior to 1920 and located within one mile of the proposed structure, e.g. mining structures in the alpine zone and agricultural structures in ranching/farming areas.

(2) Data verifying historical accuracy shall be provided by the applicant. The County shall make the determination as to whether a structure is historically accurate.

(3) All other regulations and requirements of Section 9 shall be enforced.

Differences:

- 1. Added mandatory blending of exteriors of new construction, remodels, additions and reconstructions.**
- 2. Added exemptions for:**
 - a. Maintenance,**
 - b. Transparent and short (4' or less) fences,**
 - c. Remodels, additions and reconstruction of existing structures that violate the skyline breakage rule,**
 - d. Remodels, additions and reconstruction of existing structures that violate the setback rule,**
 - e. Colona,**
 - f. Setbacks within subdivisions approved prior to adoption of this revision, and**
 - g. Historically accurate structures, such as ranch homes.**
- 3. Removed continued compliance requirement.**

9.3 CRITERIA AND STANDARDS

Current:

A. All proposed structures must be at least one hundred (100) feet from the centerline of U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A and County Road 1, and County Roads 5, 7, 8, 10, 24 and 24A.

B. All structures at or within 1.5 miles of the centerline of the roads or highways listed under Section 9.3 A. (as represented by the Ouray County Visual Impact Corridor Map) shall be subject to the following point system. The maximum number of points allowed per structure shall be five (5).

Primary Criteria Points for the following criteria are to be added together:	
Size of structure.	.1 point for every 100 square feet.
Height of structure. (See Section 3.3)	.3 point for every foot of the maximum structure height.

Secondary Criteria Points for the following criteria are to be subtracted from the primary criteria:	
Area of the parcel or lot (only where the lot or parcel is 7 acres or greater).	.3 points for every 1 acre (maximum of 5 points allowed)
Amount of natural screening.	.1 point for every 1% of screening.
The exterior (including trim and garage doors) is colored with earth tones and/or otherwise blend with the surrounding landscape.	3 points.
Distance of structure from a designated road. (See Section 9.3A.)	.5 point for every quarter (1/4) mile.
The proposed structure is located within an existing subdivision or PUD that was approved prior to 3/4/86.	1 point.
Additional screening that blends with the natural surroundings.	.1 point for every 1% of screening.

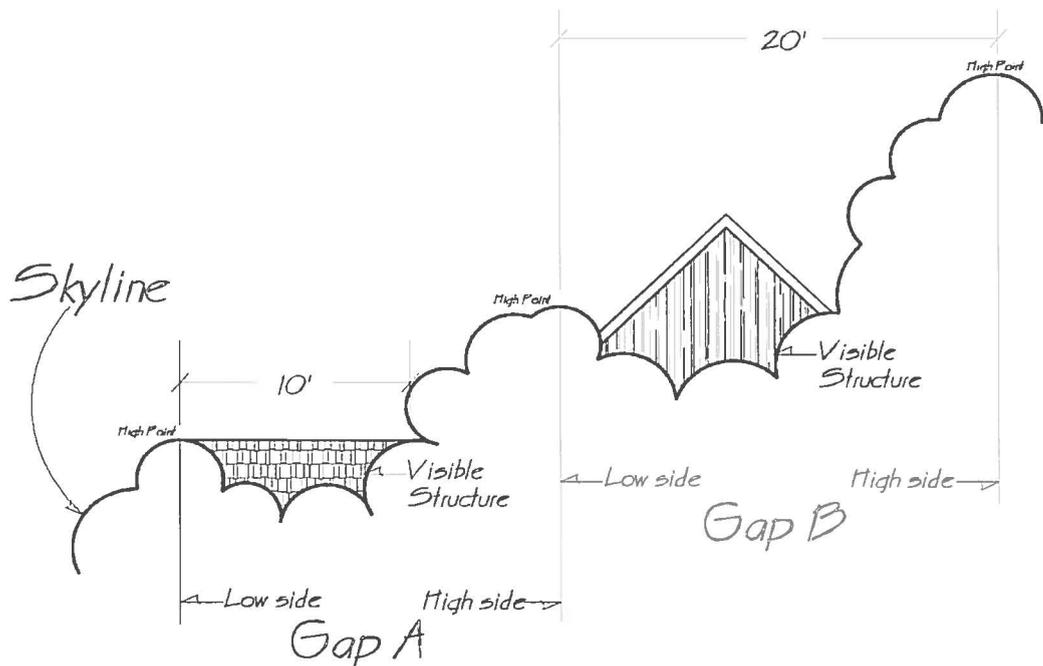
C. No structure shall break the skyline as seen from any viewing point within any viewing window as established by Section 9.6 D. of this Code except the following:

- (1) Where there is a gap in the existing skyline no greater than ten (10) feet wide, a maximum length of ten (10) feet of the roof and walls of the structure may be visible as measured along the skyline, but shall not exceed the height of a horizontal line extended from the high point of the lower side (see Illustration A, Gap A).

[9.3C(2)]

(2) Where the roofline is not horizontal to the viewing window, an additional maximum length of twenty (20) feet of the roof and walls of the structure may be visible as measured along the skyline. This additional twenty (20) feet must not be connected to the first ten (10) feet and shall not exceed the height of a horizontal line extended from the high point of the lower side to the high point of the high side (see Illustration A, Gap B).

Illustration A



D. In addition to any requirements imposed by this section, all structures falling within a viewing window and/or located along a ridgeline or escarpment shall be set back a minimum of fifty (50) feet from the ridgeline or edge of escarpment.

E. All public or private road and driveway cuts and fills shall be revegetated and/or reforested utilizing materials native to the disturbed area.

Proposed revisions:

The objective for structures to be constructed within the view corridors is to blend with and retain the existing character of the natural landscape. The level of change to the landscape should be very low. Development may be seen but should not dominate the view of the casual observer.

A. All proposed structures shall be at least one hundred (100) feet from the centerline of U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A, County Roads 5, 5A, 7, 8, 8A/B/D/G/H/I/K/L, 9, 9A/X/Y/Z, 10, 10A, 12, 12A, 14, 14A/B, 16, 17, 18, 20A/B/C/D/E/W, 23, 24, 24A/C/D, 26, 26A/B/C/D/E, 31, 31A, 361 and 906A/B unless

siting the structure at less than 100 feet from the centerline reduces visual impacts. (See exceptions 9.2B (7) and (8))

B. All structures visible at or within 1.5 miles, as measured on a two dimensional map, from the centerline of the roads or highways listed under Section 9.3A (as represented by the Ouray County Visual Impact Corridor Map) shall be subject to the impact and mitigation criteria contained in Section 9.3C. The maximum number of points allowed per structure shall be six (6).

C. Impact and Mitigation Criteria:

<p>IMPACT CRITERIA</p> <p>Points for the following criteria are to be added together:</p>	
<p>1. Size of structure (see Section 9.3 I for what is included and excluded for the size)</p>	<p>One-tenth (0.1) point for every 100 square feet. Excludes non-visible basements.</p>
<p>2. Height of structure (see Section 9.3C (1))</p>	<p>Three-tenths (0.3)point for every foot of the weighted average height of the structure visible from the view window(s).</p>
<p>MITIGATION CRITERIA</p> <p>Points for the following criteria are to be subtracted from the impact criteria points:</p>	
<p>1. Natural screening as measured over the viewing window(s)(see Section 9.7N for a description of natural screening)</p>	<p>8 pts. for greater than or equal to 75% screening 6 pts. for 50% to less than 75% screening 4 pts. for 25% to less than 50% screening 2 pts. for 10% to less than 25% screening 0 pts. for less than 10% screening</p>
<p>2. Distance of structure from a designated road (see Section 9.3A)</p>	<p>One-half (0.5) point for every quarter mile (0.25 miles) plus 1 point for every 200 feet starting at 200 feet and ending at 600 feet. Maximum available points are 9.</p>
<p>3. The proposed structure is located within an existing subdivision, PUD, or on a conforming parcel.</p>	<p>1 point</p>
<p>4. Apparent building mass as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.3C(2) for</p>	<p>0 to 3 points (In one-half (0.5) point increments)</p>

how points are assigned and Section 9.7R for definition and illustration of viewing window).	
5. Additional screening as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.3C(3) for how points are assigned and Section 9.7R for definition and illustration of viewing window).	0 to 2 points(In one-half (0.5) point increments) If the lot has 10% or less natural screening as measured from the point or points in the viewing window(s) where the structure is most visible then up to 2 additional points may be assigned in one-half (0.5)point increments.

(1) Building height impact points shall be calculated using a weighted average height. (See Section 9.7U)

(2) Apparent building mass mitigation points shall be assigned based on the following: one-half (.5) point for each apparent building mass element used and which mitigates the mass and scale of the visible portion of the structure by shading or shadowing at least ten (10) percent of the structure's silhouette as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.7A and R).

(3) Additional screening mitigation points shall be assigned based on the following: one-half (.5) point for each element of additional screening used and which mitigates the mass and scale of the visible portion of the structure by shading or shadowing more than ten (10) percent of the structure's silhouette as measured from the point(s) in the viewing window(s) where the structure is most visible (see Section 9.7M and R).

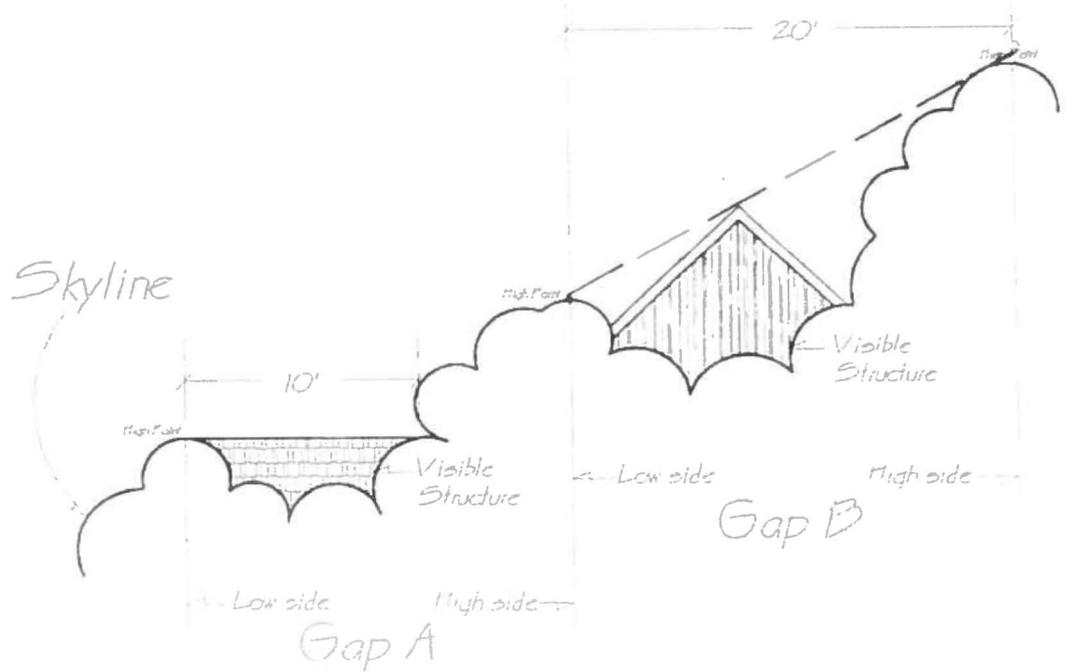
D. No structure shall break the skyline as seen from any viewing point within any viewing window as established by Section 9.7R of this Code except the following;

(1) Where there is a gap in the existing skyline no greater than ten (10) feet wide, a maximum length of ten (10) feet of the roof and walls of the structure may be visible as measured along the skyline, but shall not exceed the height of a horizontal line extended from the high point of the lower side (see Illustration A, Gap A below).

(2) Where the roofline is not horizontal to the viewing window, an additional maximum length of twenty (20) feet of the roof and walls of the structure may be visible as measured along the skyline. This additional twenty (20) feet must not be connected to the first ten (10) feet and shall not exceed the height of a line extended from the high point of the lower side to the high point of the high side (see Illustration A, Gap B below).

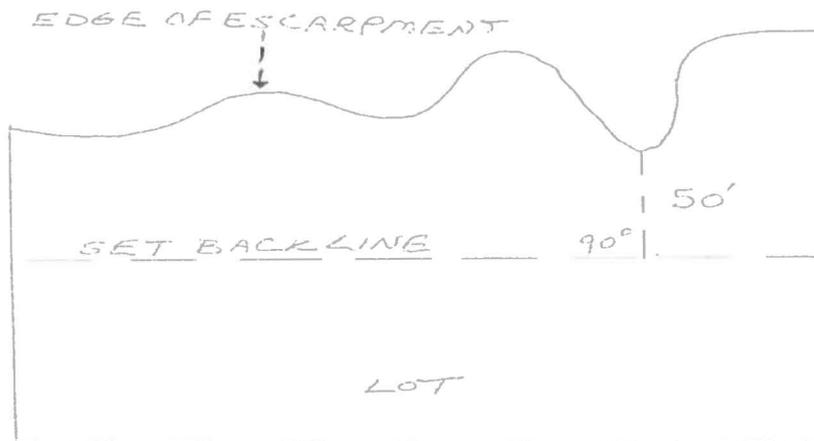
(3) Where no building site exists that meets the skyline breakage requirements as described above the skyline may be broken provided: (a) the proposed site is not on a bench, ridge, escarpment, or hilltop; (b) the maximum distance in the viewing window that the breakage is visible is not more the 500 feet; and (c) the portion of the proposed structure which breaks the skyline does not exceed fifteen (15) percent of the unscreened silhouette.

Illustration A:



E. In addition to any requirements imposed by this Section, all structures falling within a viewing window and located along a ridge line or escarpment shall be set back a minimum of fifty (50) feet from the ridge line or edge of the escarpment as measured from a point marking the closest (i.e. deepest) edge of the ridge line of the escarpment on the lot (See Illustration B below).

Illustration B



F. All public roads, private roads, and driveway cuts and fills shall be revegetated and/or reforested utilizing materials native to the undisturbed area or otherwise made to achieve harmony with the adjacent natural landscape.

G. All development is required to comply with the provisions of Section 27 of this Code, "Outdoor Lighting Regulations".

H. To the extent that it is practical structures shall be positioned on site to mitigate visual impact by use of the natural character of the surrounding landscape and terrain.

I. For floor levels that are partially below grade, the floor area used to calculate visual impact points shall be a percentage of the total area of that level to be determined by dividing the square footage of the exposed exterior wall area of that level visible in any viewing window by the total square footage of the exterior wall area of that level.

Example: 1,200 square feet of exposed and visible wall area divided by 2,400 square feet of total wall area equals point five zero (0.50) or fifty (50) percent.

J. Only the portions of a structure that are visible from the viewing window(s) require visual impact mitigation (see mitigation criteria in 9.3C).

K. Blending and screening shall be evaluated under summer vegetative conditions.

L. All roofing, siding and windows used shall not be constructed of highly reflective materials. These materials shall include, but not be limited to: stainless steel, polished metal, bright metal, galvanized metal and glass coated with reflective material.

Differences:

- 1. Added those county roads that have similar characteristics as roads already designated as Visual Impact Corridors. Also clarified how Visual Impact Corridors are measured.**
- 2. Revised the point system to:**
 - a. Reduce structure size impact point calculations by excluding non-visible basements of the structure,**
 - b. Reduce height impact point calculations by using a weighted average height instead of maximum height and described how the weighted average height is calculated.**
 - c. Remove mitigation points for lot size,**
 - d. Simplify calculation of natural screening points and reduce the number of available points by 2,**
 - e. Increase mitigation points by 6 for distance from road, particularly in the first 600 feet,**
 - f. Reduce mitigation points for additional screening but allow doubling of mitigation points when there is very limited natural screening,**
 - g. Add a mitigation point for conforming parcels, and**
 - h. Add mitigation points for reduction of apparent mass of the structure.**
 - i. Increased, from 5 to 6 points, the maximum allowed per structure.**
- 3. Clarified the skyline breakage allowance and added an exemption for additional skyline breakage under limited conditions.**
- 4. Added illustration "B" to clarify measuring setback from edge of escarpment.**
- 5. Clarified that analysis shall be done as under summer conditions.**

9.4 PROCESS FOR REVIEW

Current:

A. Development Requiring Only a Building Permit

(1) Upon receipt of a completed application for a building permit, the County Building Official shall review the project and determine whether it meets the requirements of this Section 9. If the Building Official finds the project in compliance, the Building Official may issue a building permit for the project. If the Building Official determines that the project does not comply, the Building Official, in writing, shall so notify the applicant and indicate areas of non-compliance.

(2) An applicant may appeal the decision of the Building Official to the Board of Visual Appeals in accordance with Section 19.7.

B. All Other Development (PUDs, Special Use Permits and Roads)

(1) All other development shall be reviewed for visual impact compliance during the normal development review process as outlined in Section 5, Section 6, and Section 23 of this Code.

Proposed revisions:

A. Development Requiring Only a Building Permit

(1) Upon receipt of a completed application for a building permit, the County Land Use Staff shall review the project and determine whether it meets the requirements of this Section 9. If the County Land Use Staff finds the project in compliance, the County Land Use Staff may issue a building permit for the project. If the County Land Use Staff determines that the project does not comply, the County Land Use Staff, in writing, shall so notify the applicant and indicate areas of noncompliance.

(2) An applicant may appeal the decision of the County Land Use Staff to the Board of Adjustment in accordance with Section 9.6.

B. All Other Development (PUDs, Special Use Permits, and Roads)

All Other Development shall be reviewed for visual impact compliance during the normal development review process as outlined in Section 5, Section 6, and Section 23 of this Code.

Differences: Changed all references of “Building Official” to “Land Use Staff”

9.5 SUBMITTAL REQUIREMENTS

Current:

A. A visual impact plan shall be required for all Planned Unit Development and Special Use Permit applications submitted to the County. The study, at a minimum, shall include the following information:

(1) P.U.D. Sketch Plan

(a) Preliminary written analysis of the visual impact of the development and how the proposal complies with the visual impact criteria and measures taken to reduce or eliminate the visual impact of the proposed development.

(b) A map illustrating required information including, but not limited to: existing vegetation, vegetation to be removed, viewing areas, roads and lots.

(2) P.U.D. Preliminary Development Plan and Special Use Permit

(a) Final written analysis of the visual impact of the development and how the proposal complies with the visual impact criteria, and measures taken to reduce or eliminate the visual impact of the proposed development.

(b) Final map illustrating the requirements of the sketch plan and including, but not limited to: topography, building envelopes, building cuts and fills and road cuts and fills.

(c) Photographs of the site from key viewpoints.

(d) Proposed building elevations.

(e) Topographic sections.

[9.5B}

B. The Planning Commission may, with prior approval of the Board of County Commissioners, seek qualified outside professional assistance during its review process. If the applicant has not provided professional assistance, the cost of such assistance shall be considered part of the County's expenses incurred in reviewing the development proposal and, as such, shall be chargeable to the developer. If the applicant has provided professional assistance and the County is seeking professional assistance to review the applicant's proposal, the County shall bear all expenses incurred.

Proposed revisions:

A. A visual impact plan shall be required for all Planned Unit Developments and Special Use Permit applications submitted to the County. The study, at a minimum, shall include the following information:

(1) P.U.D. Sketch Plan

(a) A preliminary written analysis of the visual impact of the development, a statement explaining how the proposal complies with the visual impact criteria,

and a statement explaining measures taken to reduce or eliminate the visual impact of the proposed development.

(b) A map illustrating required information including, but not limited to: existing vegetation, vegetation to be removed, viewing areas, roads, and lots.

(2) P.U.D. Preliminary Development Plan and Special Use Permit

(a) A final written analysis of the visual impact of the development, how the proposal complies with the visual impact criteria, and measures taken to reduce or eliminate the visual impact of the proposed development.

(b) A final map illustrating the requirements of the sketch plan and including but not limited to: topography, building envelopes, building cuts, and road cuts and fills.

(c) Photographs of the site from key viewpoints.

(d) Proposed building elevations.

(e) Topographic sections.

B. The Planning Commission may, with prior approval of the Board of County Commissioners, seek qualified outside professional assistance during its process. If the applicant has not provided professional assistance, the cost of such assistance shall be considered part of the County's expenses incurred in reviewing the development proposal and, as such, shall be chargeable to the developer. If the applicant has provided professional assistance and the County is seeking professional assistance to review the applicant's proposal, the County shall bear all expenses incurred.

C. The following shall be required for all structures:

(1) Scaled site plan showing proposed location (footprint) of all proposed construction.

(2) Elevation drawings of proposed structures with height and square footage.

(3) Color samples for roof, walls, garage doors, and trim.

Differences:

- **Added specific requirements for all structures.**

9.6 DEFINITIONS

Current:

A. **EDGE OF ESCARPMENT.** The line of intersection whereby a cliff or steep slope (50% or greater) separates two comparatively level or gently sloping surfaces.

B. **RIDGELINE.** The line of intersection at the high point between opposing slopes.

C. **SCREENING.** A natural or artificial means of hiding all or a portion of a structure from public view.

D. **SKYLINE.** The line where the earth or vegetation and the sky seem to meet.

E. **VIEWING WINDOW** is defined as follows:

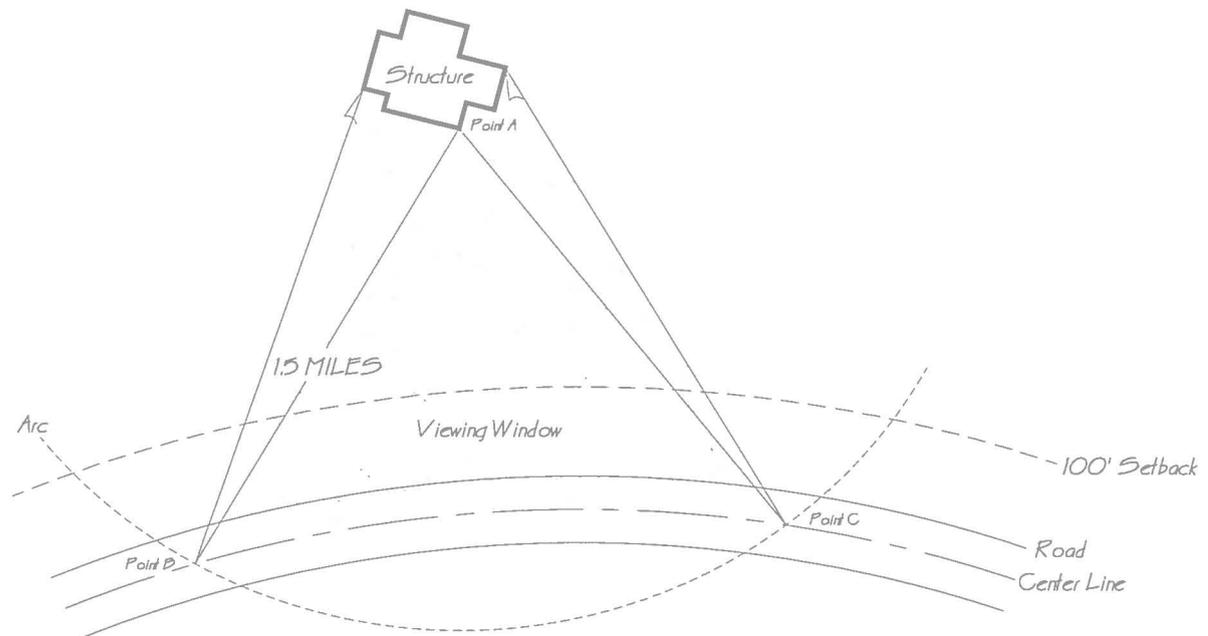
(1) Determine the nearest point of the structure to any point along the centerline of the highways or roads listed in Section 9.3 A. That point of the structure becomes Point A.

(2) From Point A, strike an arc with a radius of 1.5 miles until it crosses the centerline of any of the highways or roads listed in Section 9.3 A. That point of intersect becomes Point B.

(3) Continue the arc above, until it again crosses the centerline of the highway or road. That point of intersect becomes Point C.

(4) The Viewing Window is that portion of the road or highway between Point B and Point C.

Illustration B



(5) Multiple Viewing Windows shall be established if the centerline of more than one of the above highways or roads listed in Section 9.3 A is at or within 1.5 miles of the nearest point of any structure of a development.

F. VISUAL IMPACT PLAN. A map or maps and supporting documentation detailing the visual impact mitigation measures being taken to assure compliance with Section 9 of the Ouray County Land Use Code.

Proposed revisions:

A. APPARENT OR "PERCEIVED" BUILDING MASS

The general appearance of a structure as modified by design elements used to mitigate the mass and scale of a structure through such things as shading and shadowing. Such design elements include but are not limited to fenestration, overhangs, indentations, changes of

material, changes of texture, changes of color, different roof styles (gable, hip, etc.), porches, patios, decks, stairs, columns, etc. (see Section 9.3C(2))

B. BENCH

A long and narrow strip of level or gently inclined land bounded by distinctly steeper slopes above and below it.

C. BLEND OR BLENDING

Blending may be accomplished by insuring that all exterior materials, finishes, and colors for structures integrate with the surrounding natural environment to produce a harmonious effect. Blending shall include the use of non-reflective building materials and low luster earth tone colors. Contrasting or complementary colors in building trim are not precluded, provided these colors do not dominate the structure. Blending should achieve minimal visual contrast to the surrounding natural landscape or vegetation as viewed from a designated corridor. Screening, size, shape, color, hue saturation, texture, tone and shade or light reflection (glare) should all be components of blending.

D. BUILDING MASS

The general shape(s) of a building, attached structural components, and/or ornamental components.

E. COMMERCIAL SOLAR FARM

An energy generation facility or an area of land principally used to convert solar energy to electricity for commercial purposes.

F. EARTH TONE

A color scheme that draws from a color palette of browns, tans, greys, greens, oranges, whites, blues and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay pigments, such as umber, ochre, and sienna.

G. EDGE OF ESCARPMENT

The line of intersection whereby a cliff or steep slope (fifty (50) percent or greater) separates two comparatively level or gently sloping surfaces.

H. ESCARPMENT

Along steep slope or cliff at the edge of a plateau that separates two relatively level areas of differing elevations.

I. GLARE

An excessively bright source of light in a person's field of view, which interferes with a person's visual perception. Glare is hereby defined as a light reflectance value (LRV) of more than forty (40) percent. LRV is the fraction of light exiting a surface compared to the amount of light falling on a surface.

J. HILL

A well-defined landform elevated above the surrounding terrain. It is often rounded and is generally somewhat lower and less steep than a mountain.

K. NEIGHBORHOOD SOLAR FARM

An energy generation facility or area of land principally used to convert solar energy to electricity for the purpose of supplying power to a neighborhood or subdivision on a lot/parcel within that subdivision or neighborhood.

L. RIDGE LINE

A geological feature consisting of a chain of mountains or hills that form a continuous elevated crest for some distance.

M. SCREENING – ADDITIONAL

Flora (trees, bushes, grass, etc.), terrain shape, bodies of water, elevation changes, material elements (fences, walls, berms, etc.), etc. which are added to a lot and are designed to mitigate visual impact and to create harmony with the surrounding natural environment. Flora used in additional screening shall be adapted to the site and require little or no irrigation, such as flora used in xeriscaping. (see Section 9.3 C(3) and Mitigation Criteria, Box 5)

N. SCREENING - NATURAL

Flora, topographical features (hills, valleys etc.), terrain shape, bodies of water, elevation changes, etc., which naturally exist and hide all of a structure(s) from the viewing window(s). (See Section 9.3C, Mitigation Criteria, Box 1)

O. SILHOUETTE

An outline that appears to be dark against a lighter background.

P. SKYLINE

The line where the sky seems to meet either earth or vegetation.

Q. STRUCTURE

See definition in Section 22 of the Land Use Code. In addition, structures, which may require review under this Section 9, include but are not limited to fences, gates, towers, freestanding walls, retaining walls, and alternative energy structures.

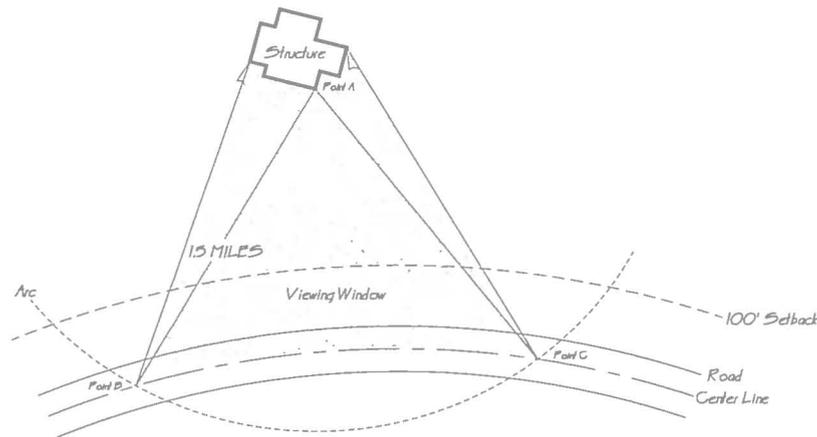
R. VIEWING WINDOW

The length of road over which natural screening, apparent building mass, additional screening, weighted average height of a structure, and skyline breakage shall be evaluated. Viewing window is defined as follows:

- (1) Determine the nearest point of the structure to any point along the centerline of the highway or roads listed in Section 9.3A. That point of the structure becomes Point A.
- (2) From Point A, strike an arc with a radius of 1.5 miles until it crosses the centerline of any of the highways or roads listed in Section 9.3A. That point of intersection becomes Point B.
- (3) Continue the arc above, until it again crosses the centerline of the highway or road. That point of intersection becomes Point C.
- (4) The viewing window is that portion of the road or highway between Point B and Point C.
- (5) Multiple viewing windows shall be established if the centerline of more than one of the above highways or roads listed in Section 9.3A is at or within 1.5 miles of the nearest point of any structure of a development.

See Illustration C below.

Illustration C



S. VISUAL IMPACT

Development that does not blend with its natural surroundings, dominates the landscape, or competes with the existing physical environment for the viewer's attention.

T. VISUAL IMPACT PLAN

A map or maps and supporting documentation detailing the visual impact mitigation measures being taken to assure compliance with Section 9 of the Ouray County Land Use Code.

U. WEIGHTED AVERAGE HEIGHT (used solely with Section 9.3C's impact points) (see Section 9.3C(1))

The calculation of a structure's height, where each roof section that has a different height, is weighted by the percentage of the roof at that height. The total percentage of all roof heights together must be 100%. The weighted average is calculated as follows:

1. Length of each roof section divided by total linear feet of all roof sections = percentage of each roof section to total length of all roof sections.
2. (Height of section 1 x percentage of section 1) + (height of section 2 x percentage of section 2) + (height of section 3 x percentage of section 3) + = Weighted Average Height.

V. XERISCAPING

Landscaping or gardening in ways that reduce or eliminate the need for supplemental water from irrigation, especially in arid and semi-arid climates. It utilizes water-conserving techniques such as drought tolerant plants, mulch, and efficient irrigation.

Differences:

- **Added definitions of new or previously undefined terms including apparent or "perceived" building mass, bench, blending, building mass, commercial solar farm, earth tone, glare, hill, neighborhood solar farm, silhouette, structure, visual impact and weighted average height.**
- **Modified definitions for ridgeline, screening (natural and additional), and viewing window.**

9.7 ADDITIONAL STANDARDS:

Current:

A. All roofing, siding and windows used shall not be constructed of highly reflective materials. These materials shall include, but not be limited to: stainless steel, polished metal, bright metal, galvanized metal and glass coated with reflective material.

B. The use of downlighting is encouraged to avoid glaring or excessively bright general lighting. It is desirable that no direct light be radiated above a level that is five degrees (5°) below horizontal. Proper reflectors will actually increase available light where needed and avoid contributing to "light pollution" of clear night skies. Lighting related to emergency services events and response, motion activated lights on a short timer cycle, temporary seasonal lighting displays, and specific, limited, feature enhancing lighting are appropriate exceptions.

Proposed revisions:

Moved to Section 9.3 Criteria and Standards.

Differences:

- None to item A, now item L in 9.3.
- Changed item B to a reference to Section 27 Outdoor Lighting Regulations, now item G in 9.3.

9.8 COVENANTS RELATING TO VISUAL IMPACT

Current:

The covenants of any Planned Unit Development, as required by Section 6.12(C)(4)(i), shall contain at least the following provisions as well as any other provisions required by this Code:

A. All development within the PUD shall comply with the visual impact criteria of the requirements of this Section 9.

B. An internal mechanism (such as an architectural control committee) shall be created through which any construction must have prior approval and through which the covenants may be enforced.

C. The visual impact provisions of the covenants may not be amended or altered without prior approval of the County in accordance with Section 6.14 of these regulations.

Proposed Revisions:

The covenants of any Planned Unit Development, as required by Section 6.8B(4)(i), shall contain at least the following provisions as well as any other provisions required by this Code:

A. All development within the PUD shall comply with the visual impact criteria requirements of this Section 9.

B. An internal mechanism (such as an architectural control committee) shall be created through which any construction must have prior approval and through which the covenants may be enforced.

C. The visual impact provisions of the covenants may not be amended or altered without prior approval of Ouray County in accordance with Section 6.12B4 of these regulations.

Differences: Renumbered to 9.9 and updated references to other Land Use Code sections.

NEW:

9.8 ALTERNATE ENERGY STRUCTURES

A. All alternate energy collectors must blend unless a blending method would interfere with the operational specifications of the collectors (e.g. painting of wind turbine blades).

B. The glare effect produced by light reflecting from an alternate energy collector shall not create an unreasonably adverse impact with regard to intensity and duration. Applicants for solar arrays shall sign and record a covenant agreeing to mitigate glare found to be a nuisance occurring after installation and within a period of one year. If County Land Use Staff determines that glare creates an unreasonable off-site impact as viewed from a viewing window(s), then vegetative screening, repositioning of the collector, or other effective means of reducing glare may be required to mitigate the impact. The property owner is responsible for mitigation of glare.

C. General

Solar energy collectors must conform to the same standard as structures with regards to skyline breakage.

D. Roof Mounted Solar Energy Collectors - General

Roof mounted solar energy collectors shall not result in any structure exceeding the maximum height as defined in Section 3 Zoning Provisions/Zoning Districts.

E. Flat Roof Mounted Solar Energy Collectors

Solar energy collectors constructed on flat roofs can be raised up to six (6) feet above the height limit of the roof, measured to the top of the panel, provided the collector does not break the skyline.

F. Pitched Roof Mounted Solar Energy Collectors

Solar energy collectors mounted on pitched roofs shall not protrude above the ridge of a roof.

G. Ground Mounted Solar Energy Collectors

(1) Ground mounted solar energy collectors and other ancillary development (racking assembly, balancing system, utility boxes, etc.) shall have a "matte" finish or be made of a non-reflective material and/or color. Equipment that is painted shall be maintained.

(2) Ground mounted solar energy collectors shall be limited to twelve (12) feet in height.

(3) Ground mounted solar energy collectors shall be measured in conformance with the applicable height regulations in the Code. However, a pit may be dug for placement of a ground mounted solar energy collector so that snow does not accumulate and block solar access. In this case, the height of the final assembly shall be measured from the least restrictive grade.

(4) Ground mounted solar energy collectors shall be located within approved building envelopes and shall comply with all setback requirements.

H. Solar Farms

(1) Submittal requirements for all Solar Farms as follows:

Site plans shall include locations of all panels and accessory development such as utility trenching, access roads, service plans, and structures associated with the solar farm.

(2) Requirements for Neighborhood Solar Farm and Commercial Solar Farm as follows:

(a) Accessory structures associated with solar farms shall be limited to 1,000 square feet in aggregate.

(b) On site power lines associated with the solar farm shall, to the maximum extent practical, be placed underground.

(c) Application for a commercial solar farm shall require Special Use Permits and require a professional glare study by a County specified engineer paid for by the applicant.

(i) If the study determines potential glare, the application must propose mitigation measures.

(ii) If glare cannot be mitigated, County Land Use Staff may deny the application. The applicant has the right of appeal.

I. Residential Wind Energy Collectors

(1) Residential wind energy collectors must comply with building height restrictions.

(2) Residential wind energy collectors shall not break ridge lines or skylines as viewed from the view corridor.

(3) Poles must blend and be painted in a non-reflective, muted color.

See Section 7.3G Alternate Energy Structures for additional building code requirements.

Comparison of Current and PROPOSED REVISIONS Point Systems

	Current Land Use Code	Proposed Revisions	Difference
IMPACT POINTS			
Size of structure.	.1 point for every 100 square feet	.1 point for every 100 square feet with basements excluded	Reduced impact points in proposed revisions
Height of structure.	.3 point for every foot of the maximum structure height	.3 point for every foot of weighted average height	Reduced impact points in proposed revisions
MITIGATION POINTS			
Area of the parcel or lot (only where the lot or parcel is 7 acres or greater).	.3 points for every 1 acre (maximum of 5 points allowed)	Removed	Fewer mitigation points (-5) available in proposed revisions
Amount of natural screening.	.1 point for every 1% of screening	8 pts for >= 75% screening, 6 pts for 50% to less than 75% screening, 4 pts for 25% to less than 50% screening 2 pts for 10% to less than 25% screening, 0 pts for <10% screening	Simplified in the proposed revisions to make it easier for staff to evaluate in the field. Fewer mitigation points (-2) in proposed revisions
The exterior (including trim and garage doors) is colored with earth tones and/or otherwise blend with the surrounding landscape.	3 points	No points since blending is mandatory.	
Distance of structure from a designated road. (See Section 9.3 A.)	.5 point for every quarter mile (.25 miles). Maximum 3 points.	1 point for every 200 feet starting at 200 feet and ending at 600 feet plus 0.5 point for every quarter mile (.25 miles). Maximum 9 points.	Greater mitigation points (+6) available in proposed revisions
Location	1 point if the proposed structure is located within an existing subdivision or PUD that was approved prior to 3/4/86	1 point if the proposed structure is located within an existing subdivision or PUD or on a conforming lot.	Point available for conforming lots only in proposed revisions (+1)
Additional Screening/Landscaping	.1 point for every 1% of screening that blends with the natural surroundings	0 to 2 points. Possible points are doubled where there is no natural screening. Reduced as landscaping can be temporary or ineffectual.	Fewer mitigation points (-6) available in proposed revisions
Apparent Massing Reduction	Not available.	0 to 3 points.	Additional points (+3) available in proposed revisions
Total mitigation points available			
	31.8 points	23 points	Difference = -8 points
Points needed to PASS point system			
	Not to exceed 5 points	Not to exceed 6 points	Difference = -1 Points

BOCC RESOLUTION 2010-045

RESOLUTION NO. 2010-045

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
DIRECTING THE OURAY COUNTY PLANNING COMMISSION TO REVIEW
SECTION 9, "VISUAL IMPACT REGULATIONS" AND PROPOSED REVISIONS TO SECTION 9
OF THE OURAY COUNTY LAND USE CODE**

WHEREAS, Section 9, "Visual Impact Regulations" as contained in the Ouray County Land Use Code ("Code") was originally adopted in 1986; and

WHEREAS, on February 16, 1993, the Ouray County Planning Commission, at the direction of the Board of County Commissioners of Ouray County ("Board") initiated a review of issues related to interpretation of certain provisions of Section 9, a process that culminated in significant changes being adopted to Section 9 in 1997, including the addition of the point system and expansion of the effect of visual impact requirements; and

WHEREAS, during the last ten years, revisions to Section 9 have been requested by Ouray County citizens, four current and prior Ouray County Planners/Administrators and the Ouray County Building inspector; and

WHEREAS, amendments or changes to Section 9 have been on the Board's list of Code changes since at least 2007 (see Resolution No. 2007-041); and

WHEREAS, on October 6, 2009 the Board of County Commissioners of Ouray County, Colorado ("Board") began a process to review the provisions of Section 9, "Visual Impact Regulations," of the Ouray County Land Use Code ("Code"); and

WHEREAS, the Board has held at least thirty-six properly noticed public work sessions and meetings since October 6, 2009 to discuss possible changes to Section 9, including two field trips, a meeting with representatives of the local design/construction community and a meeting with representatives of the local real estate community, concluding with a final "wrap-up" session on September 21, 2010; and

WHEREAS, the work sessions and meetings have been well attended by members of the public as well as members of the Ouray County Planning Commission and the Board has encouraged comments and suggestions regarding the current Section 9 and necessary changes or modifications to Section 9; and

WHEREAS, as a result of almost a year of meetings to discuss amendments or modifications to the Visual Impact Regulations and the concomitant "pro and con" public input regarding possible amendments or modifications, the Board has reached consensus on certain topics and portions of the Visual Impact Regulations that the Board believes should be further vetted by the Ouray County Planning Commission and such consensus topics or items for further deliberation are detailed on the attached Exhibit "A"; and

WHEREAS, the Board is also submitting to the Planning Commission for its review and recommendations the current Section 9 of the Code as well as draft language for possible modifications to Section 9 ("Section 9 Draft") and the Board requests that the Planning Commission review the same and deliberate on the topics and items described on the attached Exhibit "A" and prepare a report and recommendation to the Board; and

WHEREAS, the Board understands that there may be issues associated with the provisions of Section 9 that the Planning Commission may not reach consensus on; therefore, it is incumbent upon the Planning Commission to point out the pros and cons of such issues to the Board or make a recommendation for the Board's consideration; and

WHEREAS, C.R.S. § 30-28-116, entitled "Regulations may be amended" provides that: "...the board of county commissioners may amend the number, shape, boundaries, or area of any district, or any

regulation of or within such district, or any other provisions of the zoning resolution. Any such amendment shall not be made or become effective unless the same has been proposed by or is first submitted for the approval, disapproval or suggestions of the county planning commission.”; and

WHEREAS, the Board requests that the Planning Commission complete its work and advise the Board of its recommendations relative to possible amendments or modifications to Section 9 as expeditiously as feasible and that the Planning Commission advise the Board of its proposed recommendations or progress on amendments or modifications to Section 9 on or before July 1, 2011;

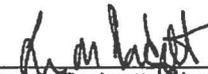
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. That the Planning Commission review Section 9 of the Code, including the current Section 9, the Section 9 Draft dated May 18, 2010 and the items as set forth on the attached Exhibit "A" at such meetings as the Planning Commission deems appropriate and that the Planning Commission advise the Board of its progress on or before July 1, 2011.

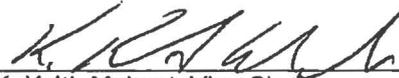
APPROVED AND ADOPTED THIS 1st DAY OF November, 2010.



BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



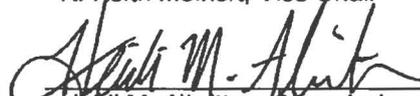
Lynn M. Padgett, Chair



K. Keith Meinert, Vice Chair



Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board



Heidi M. Albritton, Commissioner Member

EXHIBIT "A"

1. Expansion to additional roads within Ouray County.

Possible criteria to review in order to determine whether expansion of the Visual Impact regulations to other visual impact corridors is appropriate/necessary:

- a. Amount of private land and potential for future development.
- b. Direct access routes to public lands.
- c. Economic benefits; important for recreational tourism and regional/local economy.
- d. Visually significant areas – classic Ouray County vistas including agricultural vistas essential to Ouray County's character.

2. Point system.

The point system as a whole should be analyzed to determine if it achieves the overall goal of "blending".

Is there a way to make blending less subjective and quantifiable, allowing flexibility and predictability, without the point system?

Is there a way to simplify screening and/or make more optional?

Planning Commission should review the recommendations from the "ad hoc" committee of builders and contractors regarding possible modifications to the point system as well as the presentation from the Building Official regarding utilization of the point system.

3. Setback from roads.

Might there be instances in which exemptions from the mandatory setback would be beneficial and less intrusive?

4. Skyline breakage.

Favor the current policy of allowing "peek-a-boo" skyline breakage rather than an absolute prohibition. The words and the visual in Section 9.3 C need to be modified to be clear on the extent of a "peek-a-boo" breakage allowed.

Should skyline breakage apply only to ridgelines, escarpment or benches? Definitions of ridgeline and escarpment must be examined and a new definition for "bench" added.

5. Setback from a ridgeline or escarpment.

Fifty-foot setback appears to be working for visual impact purposes.

Building Official recommendation of seventy-five feet setback to address issues of wildfire mitigation.

6. Submittal requirements.

Currently Section 9 does not have a specific set of submittal requirements or a process for review and approval of applications. Including an itemization of submittal requirements and review and approval of applications in Section 9 should be considered such as that included in the Section 9 Draft.

7. Appeal process.

Currently the appeal process on visual impact regulations is contained in Section 19 of the Code. The appeal provisions set out in Section 19 are vague and unclear and a review of such provisions should be considered such as that included in the Section 9 Draft.

8. Structures v. buildings.

A review of how the current Code applies to structures v. buildings should be considered including possible separate standards, submittal requirements and slightly altered process for structures v. buildings as well as alternative energy components.

9. Historically accurate buildings.

An enabling mechanism to allow historically accurate buildings, compatible with a surrounding neighborhood or area, should be considered.

10. Definitions.

In addition to the definitions for ridgeline, escarpment and bench, all definitions included in the current Section 9 and the Section 9 Draft should be reviewed and considered.

11. Remodels, additions and reconstruction.

Consideration should be given to how or if the visual impact regulations should apply to remodels, additions or repairs/reconstruction after significant damage. Reference should also be made to language contained in Section 4 of the Code regarding non-conforming structures and how such language should coordinate with Section 9.

12. Companion Guide to Visual Impact Regulations.

Consider and provide input and recommendations regarding the scope of the applicability of a "Companion Guide to Visual Impact Regulations".

**PLANNING COMMISSION REVIEW
FOR COMPLETENESS
REGARDING BOCC RESOLUTION**

Review of BOCC Resolution 2010-045
Revisions to Visual Impact Regulations
Prepared by Randy Parker
Initially Presented at January 15, 2013
Planning Commission Meeting

The Planning Commission, at the direction of the Board of County Commissioners, began its work on Section 9 of the Ouray County Land Use Code, Visual Impact Regulations, in January 2011. By Resolution dated November 1, 2010 (Resolution #2010-045), the BOCC stated that it had reached consensus on certain topics and portions of the VIR and requested that the PC review the draft VIR prepared by the BOCC and deliberate on 12 specific items set forth in Exhibit A to the Resolution. The following is a summary of the 12 items that the BOCC directed the PC to examine and the actions taken by the PC:

- Expansion to additional roads within Ouray County

The BOCC in its' May 18, 2010 VIR draft proposed in Section 9.3.2 that the proposed VIR apply to all buildings at or within 1.5 miles of the centerline of US Highway 550, CO State Highway 62, all numbered Ouray County roads, US Forest Service numbered roads and Bureau of Land Management roads.

The BOCC asked the PC to determine whether expansion of VIR to other visual impact corridors is appropriate/necessary and to base its' determination of 4 specific criteria.

- a. Amount of private land and potential for future development
- b. Direct access routes to public land
- c. Economic benefits; important for recreational tourism and regional/local economy
- d. Visually significant areas-classic Ouray County vistas including agricultural vistas essential to Ouray County's character

As part of its deliberative process the PC collected data on all numbered County roads (see 2011 VIR Expansion of CR Data) and then analyzed and evaluated each numbered County road using this data and compared these roads to the existing visual impact corridors (see 2011 VIR Expansion of CR Analysis). The PC proposal adds the following numbered County roads: 5A,8A/B/D/G/HI/K/L, 9, 9A/X/Y/Z, 10A,12, 12A, 14, 14A/B, 16, 17, 18,20 A/B/C/D/E/W, 23, 24C, 24D, 26, 26A/B/C/D/E, 31, 31A, 361 and 906 A/B. These additional roads met or exceeded the numeric values for the roads currently included as visual impact corridors.

Concerns were raised about the proposed expansion; however, no other data was offered nor were any other standards for comparison offered. In an effort to address these concerns, the proposal creates several specific exceptions to compliance in Section

9.2 relating to remodels, additions, reconstructions, historically accurate new structures and the 100 foot setback.

- Point System

The BOCC asked the PC to analyze the point system as a whole to determine if it achieves the overall goal of “blending.” The BOCC in its' May 18, 2010 draft made blending mandatory and did not include the point system (see Section 9.3.1). The PC concluded that blending is the most important/effective tool in reducing visual impact and for the point system as a whole to be effective that blending must be mandatory (see section 9.2A).

The BOCC asked the PC to see if it was possible to make blending less subjective and more quantifiable allowing flexibility and predictability without the point system. The PC concluded that it was not possible to use a narrative alone without the point system to achieve the desired level of flexibility and predictability while being less subjective and more quantifiable. The PC proposal includes a point system and makes blending mandatory. The PC verified that all of the homes which were built in the current visual impact corridors from January 2009 to December 2012 would pass the proposed point system (see 2012 October point system analysis tool detailed, excel).

The PC accepted and incorporated the advice of the ad hoc committee of builders and contractors and the land use staff and concluded that the point system had generally worked well, but needed some adjustments. The PC proposal revises the point system to more accurately assess a building visual impact by averaging roof heights and excluding non visible below grade basements. The PC proposal also revises the mitigation points to reward options which measurably reduced visual impact and would have the most long lasting effect. The PC proposal reduces points for additional screening (i.e. landscaping added to a building site) believing additional screening to be the least permanent and therefore least effective option for reducing visual impact. The PC proposal eliminates the points for large lot size but adds point for all conforming lots. The proposal adds building massing (i.e. shadowing and shading) as an additional mitigation option. The proposal also increases the mitigation points for distance from the road while creating an exception to the 100 foot setback if siting the building closer to the road would reduce visual impact (see Section 9.3A). The proposal creates a second exception to the 100 foot setback to PUDs which predate the proposed expansion of the visual impact corridors (see Section 9.2B8).

3. Setback from roads

The BOCC asked the PC to look at creating exceptions from the mandatory setback which might be beneficial and less intrusive. The PC proposal creates an exception for pre-existing subdivisions (see Section 9.2B8), an exception for the Colona Townsite (see Section 9.2B7) and an exception for buildings where non-compliance would decrease visual impact (see Section 9.3A). The BOCC's May 18 2010 draft does

not contain these exceptions.

4. Skyline breakage

The BOCC stated that it favored the current policy of allowing peek-a-boo skyline breakage rather than an absolute prohibition. The PC proposal contains the current peek-a-boo policy while clarifying the illustration and language (see Section 9.3D). The PC proposal also contains a specific exception to the skyline breakage requirements for structures which are not on a bench, ridge, escarpment or hilltop where no building site exists that meets the skyline breakage requirements (see Section 9.3D3). A second new exception to the skyline breakage rule is included in the PC proposal for remodels, additions and reconstructions to existing structures which break the skyline and are not on a bench, ridge, escarpment or hilltop (see Section 9.2B5).

5. Setback from ridge or escarpment

The BOCC noted that the 50 foot setback from ridge lines and escarpments appears to be working for visual impact purposes. The PC proposal does not increase the setback, but does clarify how this setback is measured (see Section 9.3E and illustration B).

6. Submittal requirements

The BOCC noted that the current Section 9 does not have a specific set of submittal requirements and approval of applications. Sections 9.4 and 9.5 in PC proposal set forth the process for review of applications and lists specific submittal requirements. These provisions are substantially similar to the ones found in the BOCC's May 18, 2012 draft and were recommended by the Land Use staff.

7. Appeal process

The appeal process has been revised and adopted by the BOCC and can be found in Section 19 of the Land Use Code. The appeals process has been removed from the current Section 9 and is not included in the PC proposal.

8. Structure v. building

The BOCC directed the PC to review how the current VIR applies to structures and buildings. The PC proposal clarifies that the proposal applies to all structures as defined in Section 22 of the Land Use Code including but not limited to fences, gates, towers, free standing walls, retaining walls and alternate energy structures (see Section 9.7Q, definition of structure) . Section 9.8 of the PC proposal sets forth the proposed VIR

for alternate energy structures which the BOCC asked the PC to consider.

9. Historically accurate buildings

The BOCC asked the PC to consider creating an enabling mechanism to allow historically accurate buildings under VIR which are compatible with the surrounding neighborhood or area. Section 9.2E of the PC proposal creates such an enabling mechanism.

10. Definitions

The BOCC asked the PC to review all of the definitions in Section 9 and to specifically create definitions for ridge line escarpment and bench. The PC reviewed all of the definitions in the current Section 9, as well as, all of the definitions in the BOCC May 18, 2010 draft. Section 9.7 of the PC proposal contains 22 new or revised definitions from apparent or perceived building to xeriscaping, including blending, ridge line, bench, hill and escarpment.

11. Remodels, additions and constructions

The BOCC asked the PC to examine how VIR should be applied to remodels, additions and reconstructions as well as the relationship between Section 4, non conforming uses and structures and Section 9, VIR, of the Land Use Code. The PC reviewed the mandate of Section 4.2A which requires that the expansion or enlargement of a non-conforming structure be considered a structural alteration requiring upon completion that the entire structure conform with all of the provisions of the Land Use Code including VIR. The PC proposal creates 2 specific exceptions to the mandate of Section 4.2A (see Sections 9.2B5 and 6). These proposed exceptions permit the limited expansion or enlargement of non-conforming structures in the viewing corridors without triggering the compliance language of Section 4.2A.

12. Companion guide to Visual Impact Regulations

The BOCC asked the PC to consider creating a companion guide to the VIR. The PC has asked staff, upon adoption by the BOCC of any revisions to the VIR, to prepare a compliance guide to help the general public and building community better understand these changes. The compliance guide will include example and illustrations.

The PC proposal has sought to address each of the 12 items attached as Exhibit A to the BOCC resolution dated November 1, 2010.

Ouray County Master Plan

In addition to complying with the BOCC resolution, the Planning Commission is required to consider the Ouray County Master Plan. The Master Plan's stated purpose is to provide a comprehensive long range guide to be used in making decisions that affect the physical, cultural and socio-economic development of Ouray County (see Master Plan, purpose of the plan, p.1). The Master Plan goes on to state that the physical development of the County has direct and indirect effects on property rights, natural resources and property values (see Master Plan, purpose of the plan, p.1). The Master Plan further states that it seeks a balance that respects these concerns in an effort to maintain the County resident's quality of life (see Master Plan, purpose of the plan, p.1).

The purpose section of the Master Plan concludes as follows:

Therefore it is the intent to allow only that development which is responsible and consistent with the goals and policies set out in this plan (see Master Plan, purpose of the plan, p.1).

The Master Plan defines goals as "...general statements reflecting the desires of County residents regarding the use of land and lay the groundwork for zoning and the land use decision-making process." (Master Plan, purpose of the plan, p.1). Policies are defined in the Master Plan as statements that "...provide the County's positions relating to the identified goals and establish guidelines for direction or action." (Master Plan, purpose of the plan, p.1).

Section J of the Master Plan in part states that "...citizens want to be assured that future development will not hinder, impair or destroy Ouray County's scenic beauty." (Master Plan, Section J, visually significant areas, P. 9). The stated goal in Section J is to "...protect and preserve visually significant and sensitive areas of Ouray County that provide the scenic backdrops and vistas that all residents and visitors of Ouray County enjoy." (Master Plan, Section J, visually significant areas, goal, p.9).

The County position on this identified goal and the stated guidelines for directions for visual impact regulations are stated in the first two policies in Section J:

- Maintain strong visual impact regulations
- Develop and implement strategies for the protection and preservation of critical scenic

vistas

At the start of the PC's review of Visual Impact Regulations in January 2011, the then members of the PC unanimously concluded that the Ouray County Master Plan clearly and unequivocally requires strong visual impact regulations. The PC proposal seeks to develop and implement strategies for the protection and preservation of critical scenic vistas.

PLANNING COMMISSION
COUNTY ROAD EXPANSION
ANALYSIS

BOCC Direction for Analysis of Expansion to additional Roads

1. Expansion to additional roads within Ouray County.

Possible criteria to review in order to determine whether expansion of the Visual Impact regulations to other visual impact corridors is appropriate/necessary:

- a. Amount of private land and potential for future development.
- b. Direct access routes to public lands.
- c. Economic benefits; important for recreational tourism and regional/local economy.
- d. Visually significant areas – classic Ouray County vistas including agricultural vistas essential to Ouray County's character.

Required materials:

- Notes from 1993 consultants
- Maps clearly delineating County numbered roads, USFS and BLM roads
- Maps showing private land
- Photos of visually significant areas in Ouray County
- Survey results

DRAFT

Criteria	Link to Ouray County Master Plan Section J
Amount of private land and potential for future development.	"The citizens want to be assured that future development will not hinder, impair or destroy Ouray County's scenic beauty."
Direct access routes to public lands.	"To protect and preserve visually significant and sensitive areas of Ouray County that provide the scenic backdrops and vistas that all residents and visitors of Ouray County enjoy. "
Economic benefits; important for recreational tourism and regional/local economy	"To protect and preserve visually significant and sensitive areas of Ouray County that provide the scenic backdrops and vistas that all residents and visitors of Ouray County enjoy. "
Visually significant areas – classic Ouray County vistas including agricultural vistas essential to Ouray County's character.	" To protect and preserve visually significant and sensitive areas of Ouray County that provide the scenic backdrops and vistas that all residents and visitors of Ouray County enjoy."

Based on the above criteria, the following table provides an analysis of all numbered County Roads for the purpose of determining whether/how each road meets the criteria.

Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone) ***	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ◆ (Traffic Counts) ■	Visual Significance (View and Quality) ‰	Comments
CR 1 South *	100% (HM, SM, SS)	No	RA, H, X	AG/Iconic, SN/Iconic	High scenic values
CR 1 North	100% (HM, NM)	No	RA	AG/Excellent, CIM/Excellent	Scenic value lowers from S to N; high road count but mostly through traffic
CR 1 A	100% (HM)	No	RA		Lower scenic values
CR 1 B	100% (HM)	Yes	RA, C, HU, J		BLM land access
CR 1 C	100% (HM)	No	RA		Lower scenic values
CR 1 E	100% (HM)	No	RA		Lower scenic values
CR 2	<5% (HM)	Yes	B, H, HU, P		Billy Creek SWA; minimal development potential
CR 2A	0% (HM)	Yes	B, H, HU, P		Billy Creek SWA; minimal development potential
CR 3 and 3A	100% (V)	No	RA	AG/Excellent	Adjacent 550, S of Ridgway
CR 4	>50% (HM)	Yes	RA, B, HU		Billy Creek SWA; low add'l development potential
CR 4 A/B/C/F	<10% (HM)	Yes	RA, B, HU		Billy Creek SWA; low add'l development potential
CR 5 *	100% (A)	Yes (no register box)	RA, A, B, H, HU, J, P, X	SN/Iconic	
CR 5A	100% (A)	No	RA	AG/Iconic, SN/Iconic	Elk Meadow access
CR 7 *	80% (A, V)	Yes (2,681)	RA, A, B, C, F, H, HO, HU, J, P,	AG/Iconic, SN/Iconic	End of road in US National Forest

			X		
CR 7A and 7C	100% (A)	No	RA, A, P	SN/Excellent	7C not shown on map
Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone)	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ◆ (Traffic Counts) ■	Visual Significance (View and Quality) ‰	Comments
CR 8 *	60% (A, V)	Yes	RA, A, B, H, HU, J, P, X	AG/Iconic, CIM/Iconic	Owl Creek Pass Road
CR 8 A/B/C/D/G/H/I/K/L	80% (A, HM, V)	Yes 8A, 8L	RA, A, H, HO, HU, P, X	CIM/Iconic, AG/Iconic, SN/Excellent	8L is a designated scenic vista
CR 9	100% (A, V)	Indirect (no register box)	RA, A, B, C, H, HO, HU, J, P, X	AG/Iconic, SN/Iconic	Box Factory Park access
CR 9 A/X/Y/Z	50% (A, V)	Yes	RA, B, H, HU, J, P, X	SN/Iconic	Box Factory Park
CR 10 *	>95% (PL, V)	Yes (3,095)	RA, A, B, C, H, HO, HU, J, P, X (TBD Bryan)	AG/Iconic, CIM/Iconic, SN/Good	
CR 10A	100% (V)	Indirect	RA, A, B, P	AG/Iconic, CIM/Iconic, SN/Very Good	
CR 10B	25% (PL, V)	Direct	B, H, HU, J	CIM/OK, SN/Good	Spur off CR10 to quarry and BLM
CR 11	20% (A, HM)	Yes	RA, B, HU, X		Government Springs Rd
CR 12	60% (A, V)	Yes (30)	RA, A, B, H, HO, HU, J, P, X	AG/Iconic, CIM/Iconic, SN/Excellent	Extends into US National Forest/Cow Creek
CR 12A	100% (V)	Indirect	RA, A, B, P	AG/Iconic, CIM/Iconic, SN/Iconic	
CR 12 B and C	100% (V)	No	RA, A		
CR 13	<25% (A, HM)	Yes			Sims Mesa Road

CR 14	30% (V)	Yes (1,179)	RA, H, HU, J, M, MH, P	SN/Excellent	Dexter Creek, Horsethief trailheads
Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone)	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ♦ (Traffic Counts) ■	Visual Significance (View and Quality) ⌘	Comments
CR 14 A/B	>50% (V)	Yes (497)	RA, H, HU, J, P	AG/Iconic, SN/Excellent	Baldy, Cutler, other trailheads
CR15	35% (A)	Yes	RA, A, HU (45,000 trips **)		Dave Wood Road
CR 16	<5% (V)	Yes (6,256)	B, C, H, HU, P, X	Ouray/Excellent, SN/Good	Portland Mine Road
CR 16B	0% (V)	Yes	B, H		
CR 17	90% (V)	Yes (4,497)	RA, A, B, H, HU, MH, P	AB/Iconic, AG/Iconic,	
CR 18	<5% (A)	Yes	B, H, HU, J, P, X (10,000 trips)		Engineer Pass Road
CR 18A	0% (A)				
CR 20 A/B/C/D/E/W	197 parcels along about 6 miles (33/mile) (A)	Yes (846)	B, H, HU, MH, P, X (11,500 trips)	RM/Iconic	Ironton area, Corkscrew, Red Mtn
CR 22	100% (NM)	No	RA, B	SN/Distant	
CR 22A	100% (HM, NM)	No	RA, B	SN/Distant	
CR 22B	100% (HM, NM)	No	RA, B	SN/Distant	
CR 23	100% (V)	No	RA, A, B	AB/Iconic, AG/Iconic	
CR 24 *	100% (SS, V)	Yes (Ridgway State Park, River Trail)	RA, A, B, H, P	AG/Iconic, SN/Iconic	
CR 24A *	100% (V)	No	RA, B	AG/Iconic, SN/Iconic	
CR 24C	100% (V)	No	RA, A, B	AG/Iconic, SN/Iconic	

CR 24 D	100% (V)	No	RA, A, B	AG/Iconic, SN/Iconic	
Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone)	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ◆ (Traffic Counts) ■	Visual Significance (View and Quality) ⌘	Comments
CR 26****	141 parcels along about 5 miles (28/mile) (A)	Yes (1,055)	RA, B, C, H, HU, J, M, MH, P, X (20,000 trips)	SN/Iconic YB/Iconic	Yankee Boy
CR 26A****	About 63 parcels along about 2 miles (31/mile) (A)	Yes (3,064)	RA, B, C, H, HU, J, M, MH, P, X	SN/Iconic	Governor Basin
CR 26B****	About 65 parcels along about 5 miles (13/mile) (A)	Yes	RA, B, C, H, HU, J, M, MH, P, X	SN/Iconic	Imogene Pass Road
CR 26C****	About 9 parcels along about ¼ mile (35/mile) (A)	Yes	B, C, H, HU, J, M, MH, P, X	SN/Iconic	Very short detour off CR26
CR 26D****	About 6 parcels along about 1 ¼ miles (4/mile) (A)	Yes	RA, B, C, H, HU, J, M, MH, P, X	SN/Iconic	Governor Basin
CR 26E****	About 16 parcels along about 1 mile (16/mile) (A)	Yes	RA, B, C, H, HU, J, M, P, X	SN/Iconic	Silver Basin
CR 30	<5%(A)	Yes	A, B, C, H, HU		Divide Road
CR 31 and 31A ****	About 198 parcels along about 2 miles (99/mile) (A)	Yes (no register box)	B, H, J, MH, P, X	RM/Excellent, Iconic Historic Mining	
CR 32, 33, 34					No access
CR 62X	100% (A)	No	RA, A	SN/Good	Horsefly Mesa, Howard Flats
CR 90A	0% (A)	Yes			NW Corner of Ouray County
CR 361****	About 127 parcels	Yes (4,063)	RA, B, H, HU, J,	US Mountain	Camp Bird Road

	along about 5 miles (25/mile) (A)		M, MH, P, X (40,000 trips)	/Iconic	
Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone)	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ◆ (Traffic Counts) ■	Visual Significance (View and Quality) ⌘	Comments
CR 906 A & B	100% (HM, V)	Yes	RA, A, B	AG/Iconic, Storm King/Good	East of Colona
CO 62 *	>95% (A, V)	Indirect	RA, B, C, H, HU, J, M, P, X	AG/Iconic, SN/Iconic	San Juan Scenic Byway
US 550 *	>60% (A, V)	Yes (2,965)	RA, B, C, H, HU, J, M, MH, P, X	AG/Iconic, CIM/Iconic, RM/Iconic, SN/Iconic	San Juan Scenic Byway

*Indicates the road is already included in Section 9 as a visual impact corridor.

** Road open all year round. All other roads are open only in summer and fall.

*** Minimum lot size by Zone (from Section 3 Zoning Provisions – Zones of the Land Use Code)

A = Alpine: The Alpine Zone minimum lot size is 35 acres. However, the Alpine Zone also includes large numbers of patented mining claims which are also legal lots and may, subject to conditions in the Land Use Code, be used for residential development. There are 65 parcels less than 1 acre; 295 parcels less than 4 acres; 607 parcels less than 10 acres; 349 parcels greater than 20 acres. Ten smallest mining claims: 0.03ac, 0.05ac, 0.10ac, 0.10ac, 0.10ac, 0.11ac, 0.11ac, 0.12ac, 0.16ac, 0.16ac. Ten largest mining claims: 15.65ac, 17.84ac, 20.09ac, 20.34ac, 20.66ac, 20.66ac, 20.7ac, 26.92ac, 39.31ac, 39.75ac. Note that only two of the 1300+ patented mining claim parcels meet or exceed the minimum lot size for the Alpine Zone.

C = Colona: 50' x 120'

HM = High Mesa: Minimum lot size is 35 acres except for PUDs approved prior to adoption of the Land Use Code.

NM = North Mesa: Minimum lot size is 35 acres except for Limited PUDs (1 per 13 acres) and Regular PUDs (1 per 6 acres).

PL = Public Lands: Minimum lot size for private land within this zone is 35 acres.

SM = South Mesa: Minimum lot size is 35 acres except for PUDs as specified in Section 6 of the Land Use Code.

SS = South Slope: Minimum lot size is 35 acres except for PUDs as specified in Section 6 of the Land Use Code.

V: Minimum lot size is 35 acres except for PUDs as specified in Section 6 of the Land Use Code. However, the Valley Zone near Ouray also includes large numbers of patented mining claims which are also legal lots and may, subject to conditions in the Land Use Code, be used for residential development.

**** Parcel estimates are based on a count of legal lots about 1 mile on either side of the road, based on the Red Mountain Survey Map **(need date and title of map)**

◆ **RA = Residential Access**

A = Agriculture

B = Mountain bike road or access to mountain bike trail

C = Access to public camping
F = Access to fishing
H = Access to hiking trails
HO = Horseback riding
HU = Used by outfitters and local hunters
J = Jeep road used by residents and tourists for jeeping or ATV use
M = Access to active mining activities
MH = Historic mining area
P = Used by photographers particularly in summer and fall
X = Access to cross-country skiing and/or snowmobiling

❖ Trail Data for Ouray County Trailheads 2010 (except 2009 for one CR361 box): Trail register sign in figures for trailheads accessed from numbered County roads. The US Forest Service estimates that at most only one third of users actually register/sign in. Total register box counts from roads in VIR = 5,646; total register counts from roads not in VIR = 24,189.

⌘ **AB** = Mount Abrams
AG = Agricultural lands
CIM = views of the Cimarron Range
RM = Red Mountain
SN = views of the Sneffels Range
YB = Yankee Boy Basin

■ Road traffic counts from the Theobald Study 2006. Note that all roads except CR 15 Dave Wood Road are not winter accessible. Traffic counts have historically increased about 10% per year.

References:

1. Hiking Trails of Ouray County, Ouray Trail Group
2. Jeep Trails of the San Juans
3. Biking Ouray, Marcus Wilson
4. 4WD Trails Southwest Colorado, Peter Massey and Jeanne Wilson

5. Uncompahgre National Forest, US Department of Agriculture, Forest Service, 1984
6. Scenarios and Indicators for Ouray County Build-out Analysis, David M. Theobald, PhD, Natural Resource Ecology Lab, Colorado State University, July 7, 2006
7. Ouray County Road Map, Draft May 2009, Ouray County GIS
8. Ouray County Parcel Map, Draft May 2010, Ouray County GIS

Change History:

6 May 2011: added "about" to parcel count for CR26s, 31 and 361, added footnote on map used for parcel counts.

PLANNING COMMISSION
COUNTY ROAD EXPANSION
ANALYSIS

Analysis of County Roads

Development Potential

Based on percent of road on private land

- 1 = 50% or more OR 30% or more if many non-conforming lots
- 2 = 30% to 50%
- 3 = less than 30%
- 10 = less than 10%

Based on parcels per mile

- 1 = 16 or more legal lots (conforming or not) per mile
- 2 = 14 or more legal lots per mile
- 3 = 12 or more legal lots per mile
- 10 = 8 legal lots per mile

Note: This is based on the assumption that the underlying zone requires a minimum 35 acres per dwelling unit. An acre is 210 ft wide and long. A square 35 acre parcel is 1320 feet long. A mile is 5280 feet. Therefore, 4 parcels per mile is used as a baseline.

Access to Public Lands

- 0 = direct or indirect access
- 1 = no access

Economic Benefit (Use)

- 1 = 5 or more uses other than residential access
- 2 = 3 or 4 uses other than residential access
- 3 = less than 3 uses other than residential access

Visual Significance

- 1 = one or more iconic views
- 2 = good or excellent but not iconic views
- 3 = limited or no views

The fewer the number of points, the greater potential for development, better views, more use and access to public land. The more the number of points, the less potential for development, lesser views, less use and less access to public land. County roads already included as visual impact corridors have few points.

Analysis of County Road Data

Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone) ***	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ◆ (Traffic Counts) ■	Visual Significance (View and Quality) ⌘	Total Points
CR 1 South *	1	1	3	1	6
CR 1 North	1	1	3	2	7
CR 1 A	1	1	3	3	8
CR 1 B	1	0	3	3	7
CR 1 C	1	1	3	3	8
CR 1 E	1	1	3	3	8
CR 2	10	0	2	3	15
CR 2A	10	0	2	3	15
CR 3 and 3A	1	1	3	2	7
CR 4	2	0	3	3	8
CR 4 A/B/C/F	10	0	3	3	16
CR 5 *	1	0	1	1	3
CR 5A	1	1	3	1	6
CR 7 *	1	0	1	1	3
CR 7A and 7C	1	1	3	2	7
CR 8 *	1	0	1	1	3
CR 8 A/B/C/D/G/H/I/K/L	1	0	1	1	3
CR 9	1	0	1	1	3
CR 9 A/X/Y/Z	1	0	1	1	3
CR 10 *	1	0	1	1	3
CR 10A	1	0	2	1	4

CR 10B	3	0	2	2	7
Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone)	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ♦ (Traffic Counts) ■	Visual Significance (View and Quality) ⌘	Total Points
CR 11	3	0	2	3	8
CR 12	1	0	1	1	3
CR 12A	1	0	2	1	4
CR 12 B and C	1	1	3	3	8
CR 13	3	0	3	3	9
CR 14	2	0	1	2	5
CR 14 A/B	1	0	2	1	4
CR15	2	0	3	3	8
CR 16	3	0	1	2	6
CR 16B	10	0	1	1	12
CR 17	1	0	1	1	3
CR 18	3	0	1	3	7
CR 18A	0% (A)				
CR 20 A/B/C/D/E/W	1	0	1	1	3
CR 22	1	1	3	3	8
CR 22A	1	1	3	3	8
CR 22B	1	1	3	3	8
CR 23	1	1	3	1	6
CR 24 *	1	0	2	1	4
CR 24A *	1	1	3	1	6
CR 24C	1	1	3	1	6
CR 24 D	1	1	3	1	6
CR 26	1	0	1	1	3
CR 26A	1	0	1	1	3
CR 26B	1	0	1	1	3
CR 26C	1	0	1	1	3

Road ID	Amt Private Land & Potential for Development (Allowable Density per Zone)	Direct Access to Public Lands (Trailhead Sign Ins) ❖	Economic Benefits (Use) ◆ (Traffic Counts) ■	Visual Significance (View and Quality) ⌘	Total Points
CR 26D	10	0	1	1	12
CR 26E	1	0	1	1	3
CR 30	3	0	1	3	7
CR 31 and 31A	1	0	1	1	3
CR 32					No access
CR 33					
CR 34					
CR 62X	1	1	3	2	7
CR 90A	10	0	3	3	16
CR 361	1	0	1	1	3
CR 906 A and B	1	0	3	1	5
CO 62 *	1	0	1	1	3
US 550 *	1	0	1	1	3

Yellow highlight means already included in Section 9 as a visual impact corridor.

Green highlight means same or fewer points than county roads already included in Section 9 as visual impact corridors.

Red highlight means virtually no potential for future development.

PLANNING COMMISSION
MAP OF PROPOSED
COUNTY ROAD EXPANSION

Colona Zone
Exempted from
Visual Impact
Regulations in
Planning Commission
Draft.

Hwy 550

Ouray County Planning Commission
Proposed Revisions to Visual Impact Corridors
2/26/2012

 Buffer (current regulations)  Buffer (proposed regulations)

 Roads listed under CURRENT Visual Impact Regulations

 ADDITIONAL roads in the PROPOSED revisions

Parcels - estimated, for reference only, subject to change

 RESIDENTIAL (BUILT)

 VACANT

 NAT RESOURCES (MINE CLAIMS)

 AG-FARM/RANCH (VAC)

 COMMERCIAL

Town of Ridgway

Hwy 62

City of Ouray

CR361 - Yankee
Boy Basin Road

Roads under the CURRENT regulations

U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A and County Road 1, and County Roads 5, 7, 8, 10, 24 and 24A.

Roads under the PROPOSED regulations (Red = Road proposed to be added)

U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A, County Roads 5, 5A, 7, 8, 8A/B/D/G/H/I/K/L, 9, 9A/X/Y/Z, 10, 10A, 12, 12A, 14, 14A/B, 16, 17, 18, 20A/B/C/D/E/W, 23, 24, 24A/C/D, 26, 26A/B/C/D/E, 31, 31A, 361 and 906A/B.


NORTH
Not to Scale

STAFF MEMO TO PLANNING
COMMISSION

MEMO

TO: Planning Commission
FROM: Mark Castrodale / County Planner
DATE: February 8, 2013
SUBJ: Section 9 – Proposed Draft

The Land Use Department has reviewed the latest and final draft of Section 9 – Visual Impact Regulations, prepared by the Planning Commission and currently scheduled to be reviewed in a noticed public hearing on February 26, 2013.

After reviewing the draft, it is my opinion that we (staff) understand, and would be able to implement in the field, all regulations and requirements as stated in the draft.

**WRITTEN PUBLIC COMMENTS
RECEIVED**

From: Linda Hanson [<mailto:lindabillhanson1@icloud.com>]
Sent: Sunday, February 17, 2013 9:30 PM
To: mcastrodale@ouraycountyco.gov
Subject: Revisions to VIR

Dear Mr. Castrodale,

I'm writing to commend you on the revisions you propose to the VIR codes.

If I had a vote, I would vote to accept these revisions.

I would also like to commend all of you for your many, many hours of service to our county, for helping to keep it one of the most beautiful places on earth.

Sincerely,
Linda Hanson

Sent from my iPad

Dear Mark.

I strongly and sincerely support the changes that the Planning Commission have tirelessly and diligently made to the Visual Impact Regulations. While I believe all of the roads should have been included, I would like my comments to be included in the Planning Commission packet and registered as a vote in support of their changes. I believe that the existing visual impact corridors have worked very well in preserving our awesome county. It puzzles me why we wouldn't extend this to the rest of the county. Without extending the corridors, there will be (as there is now) some of the county that won't be protected. Several years ago at the Ouray County Courthouse, there was opposition to protecting the Camp Bird and Yankee Boy Basin by creating a separate south alpine zone. Someone made the point at the time that rather than single this area out we should include all the roads in county. Good idea. Once again, please convey to the PC that I applaud and support their efforts and the results of those efforts. Thank them for a job well done. Thank you.

Jennifer Parker
Ridgway, CO

-----Original Message-----

From: Jon Esty [mailto:jonesty4@gmail.com]
Sent: Monday, February 18, 2013 12:18 PM
To: mcastrsdale@ouraycountyco.gov
Subject: Visual Impact Regulations

Dear Mark,

We would like to write a note of support for the efforts of the Ouray County Planning Commission and Ouray County Planning staff in your revision of the county's visual impact regulations.

We view the revision as being consistent with the goals of the county's master plan which encourages growth and development to compliment the county's rural character and beauty. The county's stunning scenery is an asset for all and should be preserved to the greatest extent possible.

Retaining this attractive environment represents a solid investment in our tourist industry and adds value to real estate holdings (residences and land).

We believe it is quite reasonable to add previously unlisted roads to the existing road view corridors so that the views available in the entire county can be preserved. The revision of the point system appears to allow a more reasonable way of providing guidelines for future building development than what we have had in the past.

We believe that most county residents want to maintain the county's scenic and pristine environment as envisioned in the county's master plan.

Problems occur, however, in how to practically address those lofty standards in specific definable terms. In our opinion, the proposed visual impact definitions and requirements do an excellent job of achieving the overall goals stated in the county's master plan.

Sincerely,

Jon & Rosemary Esty
1137 Pleasant Point Drive
Ridgway, CO 81432

From: Tom McKenney [mailto:tmmcke@gmail.com]
Sent: Tuesday, February 19, 2013 5:51 PM
To: Mark Castrodale
Subject: Public Hearing

Ouray County Planning Commission

Mark Castrodale, County Planner
111 Mall Road
Ridgway, CO 81432

Planning Commission:

Regarding the Public Hearing on the 26th:

I would hope that you regard me as a person of standing in this matter. Besides being a resident of the county, a tax payer and a voter, I have attended several of the workshops and and have followed deliberations and presentations that were meant to help influence the outcome of the process.

I urge you to send the proposed Section# 9 to the CCs for approval. I believe that Section#9 helps and enhances the Master Plan and its goals. Further, I believe that this specific section of the code and Master Plan need more teeth and need to be extended to other parts of the county; this due to our growth rate and the influence of "big money". I think that the Harvard/ MIT study for the Telluride Institute clearly explained what the assets were/ are and will be - the natural scenery that we have.

I believe that the code needs to be made much more stringent as time goes on and we see how this one "drives". This proposed code is definitely a compromise. Thanks for the time spent and the diligent and democratic process used.

Thanks

Tom McKenney

From: Scott and Sheelagh Williams [mailto:s_swilliams2001@yahoo.com]
Sent: Tuesday, February 19, 2013 10:10 AM
To: Mark Castrodale
Subject: Planning Commission Public Hearing on Visual Impact Regulations

February 19, 2013

Ouray County Planning Commission
C/O Mark Castrodale, County Planner
111 Mall Road
Ridgway, CO 81432

Re: February 26, 2013 Public Hearing on Visual Impact Regulations

Dear Chairman Lipton and Members of the Planning Commission,
This letter is in support of the overall package of changes the Commission has brought to the public hearing.

I am a resident, property owner, taxpayer and registered voter in Ouray County. I have attended many if not most of the visual impact regulation workshop sessions you have held over the last two years. I have been very impressed with the thoroughness and dedication you have given to addressing each and every topic which the BOCC handed over to you.

As a general proposition, the Land Use Code should strive to allow a property owner as much freedom to use his or her property as is consistent with the protection and preservation of other owners' rights and interests and of important community interests. In Ouray County our private property values and local economy are driven by our incredibly spectacular natural scenery. Our Land Use Code therefore recognizes that property owners have a responsibility to develop and use private property in a manner that does not undermine their neighbors' property values and mar the natural landscape.

Achieving the right balance, however, is challenging and controversial, but I believe your changes represent a reasonable compromise. Your Commission incorporated numerous changes requested by builders and architects, including the concept of "apparent massing," the acceptability of using contrasting exterior trim color schemes, the use of "weighted average" height to calculate impact points, and the exclusion of basement areas. You retained the point system as the core of the VIR, also as requested the building and real estate community, rather than move to a less familiar narrative or standard-based code. You retained the escarpment setback at 50 feet, but with a refinement suggested by a real estate professional to clarify how it's measured. You included setback and skyline breakage exceptions to the strict rule of Section 4 that nonconforming structures be brought into compliance if they are enlarged or expanded - an effort to address concerns that adding visual corridors would result in too many nonconforming structures. You meticulously analyzed all of the numbered County Roads using the criteria handed down by the BOCC and included only those which scored as high or better as new visual corridors, not the entire road system as proposed in the BOCC's draft ordinance and by some members of the public.

Your proposed changes reflect numerous other areas where compromises were made.

I personally have concerns about some of the revisions made in an effort to reach a compromise. For example, I believe that variance procedures are a far better way to handle any issues that might arise with respect to nonconforming structures. It is too difficult to try to craft an exception to a general rule before you know what the facts are in a particular case. If the general rule applies too harshly, then the owner can get a variance based on the particular circumstances to protect the owner's right to build. But, if an exception allows something which wasn't intended by the code, there is no recourse - there's no way to protect the public interest. The best way to make sure both private and public interests can be protected is by using the variance process.

I believe that exceptions such as these are actually unnecessary and will weaken the VIR and lead to problems in achieving its goal over time. In the ideal world, they would not be included. But they may be necessary to reach an acceptable, balanced compromise and make sure that the VIR applies to all the areas of the County where protection is needed. If this balance is upset, however, in any meaningful way, I would urge the Planning Commission and the BOCC to closely re-examine all of the proposed VIR changes as a whole.

Thank you again for all your hard work and perseverance on this challenging task.

Scott Williams
372 Pleasant Valley Dr
Ridgway, CO 81432

-----Original Message-----

From: Robert Green [<mailto:greenrb@ridgway.us>]

Sent: Tuesday, February 19, 2013 3:51 PM

To: mcastrodale@ouraycountyco.gov

Subject: Visaual Impact Regulations`

We endorse the Visual Impact Regulations which will be presented to the ouray Board of County Commissioners. These are in direct response to the assignment given by the BOCC to the Ouray County Planning Commission and are the result of extensive deliberation over a very significant period of

time.

The following are our reasons for approving these regulations:

1. They will assure that the quality of the neighboring structures will remain unchanged and offer security for adjacent residents in that respect.
2. Vacant landsowners will know what the requirements will be for future development in their area.
3. Those contemplating building in these areas will be assured of the quality of the neighborhood and not be concerned about loss of view or presence of other objectionable design factors in future construction.
4. Tourism provides the largest portion of Ouray County's income. These regulations will ensure that the scenic qualities which entice tourists will remain unchanged and will assure those in the tourist industry of continued business.

Thank you.

Ouray County Planning Commission
C/O Mark Castrodale, County Planner
111 Mall Road
Ridgway, CO 81432

Re: February 26, 2013 Public Hearing on Visual Impact Regulations

Dear Chairman Lipton and Members of the Planning Commission,

This letter is in **support** of the overall package of changes to the Visual Impact Code being proposed by the Planning Commission.

As a resident, property owner, taxpayer and registered voter in Ouray County I thank you for your hard work on this issue. I have been very impressed with the thoroughness and dedication you have given to addressing each and every topic which the BOCC handed over to you.

A good Land Use Code should strive to allow property owners as much freedom to use their property as is consistent with the protection and preservation of other owners' rights and interests. In Ouray County property values and local economy are driven by our incredibly spectacular natural scenery. The incredible preserved beauty is what brought my husband and I to buy property and make our home here. And a vast majority of the people that I have met here bought their property because they were attracted by the beauty that *a very smart and well thought out* Land Use Code has provided for Ouray County.

The Planning Commission incorporated numerous changes requested by builders and architects. I believe your changes represent a reasonable compromise and have achieved the right balance for all Ouray property owners. I support the approval and adoption of the Visual Impact Proposal .

Thank you,

Rozanne Evans
1523 Juniper Rd North
Ridgway, CO 81432

TEL: 626-4194

AGENDA
OURAY COUNTY PLANNING COMMISSION
REGULAR MEETING / WORK SESSION

March 21, 2013 6:00 – 10:00 p.m. (appx)
Meeting to be held at the Ouray County 4-H Event Center
22739 Highway 550, Ridgway, Colorado

*If all agenda items are not covered in this time frame they may be continued until the next regular meeting. ***Times are approximate and subject to change***. If an item is finished early the Planning Commission will move directly to the next agenda item. If not a Public Hearing, public comment may or may not be taken during the meeting. Action may be taken at the conclusion of public hearings.*

I. Call to Order – Regular Meeting of the Ouray County Planning Commission (6:00)

1. Continued Public Hearing from 2/26/2013: Proposed Land Use Code Amendment; Section 9 - Visual Impact Regulations (6:00)

The purpose of the hearing is to consider possible amendments to Section 9 – “Visual Impact Regulations”.

Copies of land use applications or workshop materials can be obtained at the Land Use Office at 111 Mall Road, Ridgway, CO; by calling 970.626.9775 or e-mailing mcastrsdale@ouraycountyco.gov. Comments on the agenda items may be sent to Mark Castrodale, County Planner, P.O. Box 28, Ridgway, CO 81432.

MEMO

TO: Ouray County Planning Commission
FROM: Bryan Sampson; Associate Planner
DATE: March 14, 2013
SUBJ: 3/21/2013 Packet Materials

These packet materials are an addendum to the packets of 2/26/2013. So, please add this information to your packet materials from that date.

Additionally, we have had significant written public comment arriving daily. The comments included represent all comments that had been forwarded to me, by 9:00 AM on March 14, 2013. I fully expect additional comments to come in between now and the 21st, so I will be providing a hard copy of those at the meeting.

**Written Comment to be read into record:
(Received between 2:00pm on February 26, 2013 and March 14, 2013
@ 9:00 A.M.)**

**NOTE: ADDITIONAL WRITTEN COMMENTS, RECEIVED AFTER MARCH 14, AT 9:00 A.M.
WILL BE PROVIDED TO THE PLANNING COMMISSION AT THE HEARING ON MARCH
21ST.**

- 1) Anne Devine – Email received on 2/26/2013
- 2) Beverly and Jorg Angehrn – Email received on 2/26/2013
- 3) Mary Beth Hollenbeck – Email received on 2/26/2013
- 4) Keith Meinert – Email received on 2/26/2013
- 5) Dottie Miller – Email received on 2/26/2013
- 6) John Hollrah – Email received on 2/26/2013
- 7) Anthony Gegauff – Email received on 2/26/2013
- 8) Terry Thompson – Email received on 2/26/2013
- 9) Anne Devine – Email received on 2/28/2013
- 10) Deanne and Donald Graham – Email received on 3/2/2013
- 11) Sue Husch – Email received 3/1/2013
- 12) Dave Hamilton – Email received on 3/5/2013
- 13) Nick and Joanne Williams – Email received on 2/28/2013
- 14) Faye and Ronald Hinkson – Letter received on 3/4/2013
- 15) ROCC letter from Roze Evans; received 2/23/2012 (NOTE: this letter was inadvertently omitted from the last packet)
- 16) Les and Susan Watson – Email received 3/7/2013
- 17) John and Sandi Ivory – Email received 3/8/2013
- 18) David Svenson – Email received 3/10/2013
- 19) Carl and Mary Cockle – Email received 3/9/2013
- 20) Annette/Gig Henry – Email received 3/10/2013
- 21) John Mitchell – Email received 3/9/2013
- 22) Ralph Walchle – Email received 3/9/2013
- 23) Kathryn Urso – Email received 3/11/2013
- 24) Steve Walker – Email received 3/11/2013
- 25) Mary Ann Jackson – Email received 3/11/2013
- 26) Bud Zanett – Email received 3/11/2013
- 27) Gail Slemmer – Email received 3/12/2013
- 28) John Meltzer – Email received 3/8/2013
- 29) Donna Whiskeman – Email received 3/10/2013
- 30) John W. Nelson – Email received 3/11/2013
- 31) Gary Bennett – Email received 3/9/2013
- 32) Patsy Miller – Letter received 3/12/2013
- 33) Gary Paul Johnston – Email received 3/12/2013
- 34) Liz Ahearn – Email received 3/12/2013
- 35) R.T. Wojciechowski – Letter received 3/12/2013
- 36) Susan Wing – Email received 3/12/2013
- 37) Alan and MaryJane Abrahamson – Email received 3/12/2013
- 38) Michael Cassidy – Email received 3/12/2013
- 39) Nancy Sanders – Email received 3/12/2013

- 40) Barbara Seelye – Email received 3/12/2013
- 41) Barbara Steele – Email received 3/13/2013
- 42) Bob and Helen Olivier – Email received 3/13/2013
- 43) Sarah Coulter – Email received 3/12/2013
- 44) Judith Chamberlin – Email received 3/13/2013
- 45) Fred Jossi – Email received 3/14/2013
- 46) Steve and Claudia Wolff – Email received 3/13/2013
- 47) Gail Jossi and Family – Email received 3/13/2013
- 48) Roger Pinyan – Email received 3/14/2013

From: Anne Devine [mailto:thedevinemissa@hotmail.com]
Sent: Tuesday, February 26, 2013 5:20 PM
To: mcastrodale@ouraycountyco.gov
Cc: Ray Cozzens; John Hollrah; s_williams2001@yahoo.com
Subject: Comment on Visual Impact - For

Dear Planning Commission,

I came across a letter to the editor today in the Plaindealer, written by Jim and Cindy Sink regarding the visual impact regulations. They apparently built a house on Log Hill some time ago and had difficulty with breaking the skyline. I am in support of visual impact regulations and yet I don't doubt that this was a frustrating process for them. This is in contrast to many, many other houses that have been built in the visual impact corridor (such as the one I live in) without any difficulties.

No regulation is perfect but that does not mean that we should throw the baby out with the bathwater. In implementing visual impact, there will likely be the occasional "corner case" that does not fit the intention of the regulations. Are we so worried about this possibility that we shy away from protecting the great beauty in this community? Do we not trust our ability to deal with these corner cases and resolve them?

I say forge ahead. Expect that it is not perfect, because nothing is. Deal with real issues as they arise rather than wonder theoretically what they may be. Very serious consideration has been given to visual impact for a long time and a good proposal is now on the table. Let's do it!

Regards,

Anne Devine

Ridgway

From: Bev [mailto:bevga@ouraynet.com]
Sent: Tuesday, February 26, 2013 5:27 PM
To: mcastrodale@ouraycountyco.gov
Subject: Visual Impact

Beverly and Jorg Angehrn
2766 Pleasant Point Drive
Ridgway, CO 81432

Board of County Commissioners

Ouray County, Colorado

2/25/13

Dear Commissioners:

We have been residents of Pleasant Valley for 13 years. When getting our building permit we had to make some adjustments to our roof line in order not to break the skyline. Doing so was inconvenient and resulted in added cost to building. We came from a city in Southern California and looked forward to building our light grey house with white trim. Our Home Owners Association suggested that perhaps a more earth tone color would blend into the environment better. We are so grateful to both the county and our Home Owner's Association for giving us the guidance to keep us from building a home that would have been blight on the side of the mesa.

I think that most people who move here for the expansive beauty welcome regulations that help to retain the beauty. Those who oppose regulations, are typically the ones for whom regulations are written. They want the "freedom" to build what they want regardless of the visual impact. The result of this selfish mentality can be seen in all of the unregulated scenic areas in the United States.

It is not only an economic issue that we preserve the area to retain the tourist economy, it is a social responsibility that that we not destroy one of the most beautiful places in the United States by allowing uncontrolled development.

Sincerely,

Beverly Angehrn

From: cowcreek@qwestoffice.net [mailto:cowcreek@qwestoffice.net]
Sent: Tuesday, February 26, 2013 2:07 PM
To: mcastrodale@ouraycountyco.gov
Subject: Visual Impact

To Whom It May Concern,

I have lived in Ouray County and have owned property here since since 1974. I presently own a commercial building with two businesses. Yes, the beauty of this unique and amazing place should be protected. Look at this side of Montrose; that used to be a wonderful rural town and the drive back and forth to Ridgway was beautiful all the way here. But now they have developed and let anything be built all the way to Colona. You name it, shopping malls, big box stores, car dealerships, gravel pits. They could have kept that drive scenic and created a nice park around the river, but they had no foresight and all they thought about was money. The real money could have come from the tourists but the Montrose County Commissioners were too greedy and dumb to realize that. At least in Ouray County we have had some forward thinking County Commissioners and Planning and Zoning people now and in the past who have had foresight and thought not only about the present but about the future of this beautiful place, about our children and about the diverse wildlife that live here and migrate through here. Thank goodness for people like Peter Decker who created the master plan in the first place.

Mary Beth Hollenbeck

From: Keith Meinert [mailto:meinert@independence.net]
Sent: Tuesday, February 26, 2013 2:31 PM
To: 'Mark Castrodale'
Cc: Ken Lipton
Subject: RE: Planning Commission Hearing on Visual Impact 02-26-13

Mark,

I am hoping to attend the PC hearing tonight but with the weather closing in I'd like to enter these written comments for the record in case I can't make it.

I support the efforts of the Planning Commission and endorse their proposed revisions to Section 9, Visual Impact. I believe their work complies with the instructions from the BOCC while I was a Commissioner which have been continued by subsequent Boards. They have been rigorous in encouraging and considering all input from the public in the many meetings they held on this subject. They have used as systematic and orderly an approach as possible to develop and support their recommendations on what is admittedly a subjective and contentious subject. These changes to the existing Code are necessary, as anticipated by the BOCC, to accomplish the purpose and goals of the Ouray County Master Plan, particularly Section J. Visually Significant Areas. I urge the full Planning Commission to endorse these suggested changes and submit them to the BOCC with their recommendation that they be adopted into the Land Use Code.

This has not been a quick or easy process. It began nearly five years ago with a series of discussions and work sessions by the BOCC comprised of Commissioners Albritton, Batchelder and myself. I believe we all sincerely thought that revisions to Section 9 were necessary to achieve the Visual Impact goals of the Master Plan, both in terms of the mechanics of the regulations and the area of their application.

While the early Work Sessions were amicable and productive, by the time we turned this over to the PC ideological opposition had surfaced and was becoming increasingly hostile. Much fear-mongering misinformation was put out, primarily by the realtor community – especially during the election year – and it continues to this day. Opponents to the regulations are certainly entitled to voice their objections and their views have been actively sought and incorporated into the drafting. However, the most vocal opposition has been in the form of distortions and outright lies about how building costs would skyrocket, property values would plummet, and the county would take away property rights.

There has also been much criticism about the length of time the PC has been working on this. During one of the BOCC Work Sessions a prominent realtor complained about the amount of time this process was taking and angrily exclaimed that if we just asked a builder to write new regulations he could finish it in less than two weeks. I'm sure her statement was correct, but that is not the way our participatory process works. Public input was solicited at every PC work session and carefully considered by the Planning Commissioners. This rigorous but time consuming process has resulted in a much better product which should receive broader public acceptance and buy-in.

The BOCC realized that we had probably given the PC an impossible task, but they have risen to the occasion and succeeded where we did not. I congratulate them on an excellent effort.

Sincerely,

Keith Meinert

From: Dottie Miller [mailto:dottie@ouraynet.com]
Sent: Tuesday, February 26, 2013 3:52 PM
To: mcastrodale@ouraycountyco.gov
Subject: Comments on Land Use Codes

Good afternoon,

I am a resident of Ouray, Colorado, and love the pristine beauty of our county and the feel of a small community that cares about our county.

I am in hopes that at tonight's meeting, you will consider the three years worth of input and work put before the Planning Commission, and recognize and adopt the recommendations. The aesthetic and economic benefits for Ouray County is enormous, while the economic cost of absorbing these changes into the Land Use Code are minimal.

Thank you for your time to read and consider this.

Dottie Miller

Dottie Miller
970-325-9837 (Colorado)
970-239-4247 (free call to Mexico)
011-52-329-291-6771 (Mexico)

February 26, 2013

Dear Members of the Ouray County Planning Commission,

I support the proposed Section 9 and would like to thank the Planning Commission for its hard work. I realize many compromises were made along the way and that there is still opposition to this good, reasonable proposal. We need to remember that agricultural and mining structures are exempt from the proposal, so we still have the red barns and the mining industry won't be destroyed. And again, the data shows that property values increase in visual impact corridors.

But some of the opposition is simply against all regulations in general. It is fundamentally based on a kind of self interest that says, "I want to do whatever I want, and I don't want anyone telling me what I can and can't do." While there is some element of this in all of us, counties that have allowed this mentality to reign as policy can be seen across the American West, but also as near as Montrose County and the area west of Pagosa Springs. It is not a pretty picture. I assume that is one of the reasons why bi-partisan Boards of County Commissioners asked the Planning Commission to take on this task.

Land Use Codes and thus, visual impact regs, should be written and amended with an eye toward the question "what if?" What if someone were to move to the county and did X or Y, where most people would deem X and Y a bad thing? Land Use Codes and their amendments need to be written not for the short term, but for ten, twenty years and longer. A county may not change much or look differently if just a few things happen; but what if over a period of time, a lot of those things happened? What would the place look like then? And I think this is part of what you all were asking the past couple of years.

Ouray County is still one of the few rescue-able places left. A good Master Plan and good Land Use Code provisions can keep it rescue-able. Protecting our skylines, setbacks from roads, blending, adding more roads to Section 9, and the other recommendations in your document make sense and will allow Ouray County to be the kind of place the people who live here want it be.

Thank you again for your good work.

Sincerely yours,

John Hollrah

From: Anthony Gegauff [mailto:agegauff@earthlink.net]
Sent: Tuesday, February 26, 2013 6:49 PM
To: mcastrodale@ouraycountyco.gov
Subject: Public Hearing this evening

As I am unable to attend the meeting, I would like to write a brief message regarding the proposed visual impact code. I am concerned about the Camp Bird Road and Yankee Boy Basin with regard to protecting that corridor's scenic beauty. We depend so on tourism, it would be tragic economically as well as aesthetically to be guilty of inaction at safeguarding our local natural treasures. The visual impact regulations should be consistent throughout Ouray County and not merely pertain to the main thoroughfares through it. I am familiar with what the Planning Commission is proposing and I fully support it and hope it becomes enacted into law.

Sincerely,

Anthony G. Gegauff
615 Terrace Dr
Ridgway, CO 81432
(970) 626-9742

From: Don [mailto:dbatchelder@engineer.ouraycountyco.gov]
Sent: Thursday, February 28, 2013 5:08 AM
To: mcastrodale@ouraycountyco.gov
Subject: Fw: Fwd: section 9

-----Original Message-----

From: "Terry Thompson" <tlynninthebox@aol.com>
Sent 2/26/2013 3:15:24 PM
To: dbatchelder@ouraycountyco.gov
Subject: Fwd: section 9

Mr. Batchelder,

I am requesting that you vote NO on this proposal to add 45 new roads to Section 9. I am unable to attend the February 27 meeting. My objection is based on my right, as a private property owner, to do as I wish with the structures on my property. The rights of motorists and passersby do not, in my opinion, supercede my rights as an owner of private property. The right of one person's fist stops where the right of another's nose begins. Just because someone can see my property from a county road or highway does not give them the right to dictate what I do on that property. Section 9 is objectionable enough as it stands. DO NOT VOTE TO MAKE IT ANY MORE FAR REACHING

From: Anne Devine [mailto:thedevinemissa@hotmail.com]
Sent: Thursday, February 28, 2013 7:22 PM
To: Mark Castrodale
Subject: RE: comments related to visual impact

Thanks, Mark

I am attaching two more written comments.

Anne

ANN DEVINE ATTACHMENT #1

First, I would like to thank the planning commission for all of their hard effort and personal dedication to making the proposal.

There are people in the room tonight who support the visual impact proposal and people who do not. We all have our individual ideas on how this issue should be handled and if the proposal was able to fit in precisely with what we all think and believe as individuals, it would be a perfect proposal.

Unfortunately, that is not possible and that is why finding common ground is necessary in order find solutions.

I believe that our common ground comes from a shared love of the community and the beauty that we experience just by living here every day. I doubt that there is a person in the room who does not value that.

We have had a number of years of very slow growth in Ouray County. It is important to recognize, however, that future development will come and it will affect our community in many ways. If we look around at other places in Colorado, we can see many examples of how the natural beauty that we all value can be impacted in a very negative way when development is not properly managed. I want to be clear that I am not talking about stopping development, but rather managing how it happens and what the impacts are. This is what I worry about – the price of doing nothing more than we have already done, the price of waiting for that “perfect solution”. The longer we wait, the longer we resist expanding our corridors in Ouray County that are subject to visual impact, the greater the risk in terms of development that will negatively impact those things about this community that we all value today. The time to protect our visual environment is in advance of development, not in the middle of it and certainly not once it is in full swing because by then, we have lost the opportunity.

In my mind, the price of doing nothing is a very high price to pay and one that no amount of money can ever undo as the future unfolds.

I know that this is not being decided tonight but I do sincerely hope that the proposal will be adopted.

ANN DEVINE ATTACHMENT #2

I have heard the comment made that the visual impact proposal is a solution looking for a problem. In stark contrast, I believe that the proposal is a solution in anticipation of a problem.

Anticipating a problem shows foresight and the insight to plan. Those who wait for the problem to occur are behind the eight ball. Waiting for the problem to occur reminds me of what our nation's representatives and senators have done in the face of issues with Social Security, Medicare and the budget in general. Is this the approach we want to pursue in our county?

We can stick our heads in the sand and just hope that everything will be OK with any development that occurs. But the much more logical conclusion that is substantiated in countless towns and cities across Colorado and the nation is that this is not true.

Development without thoughtful guidelines to help mitigate the impact will lead to very negative consequences in terms of loss of beauty and character in this rural community. I applaud the planning commission for taking the steps that they have taken to propose how we might do better than so many other places. I wish this was an issue going to the public for a general vote because I feel certain that if it was, it would pass. Since it is not, I can only hope that the proposal will go to the county commissioners and that they will also show foresight in protecting our county.

From: donaldgraham [mailto:dongraham@comcast.net]
Sent: Saturday, March 02, 2013 1:32 PM
To: Mark Castrodale
Subject: Re: Continued Public Hearing - Section 9/Visual Impact

Dear Planning Commission: Deanne and Donald Graham own the lot at 345 Pine Dr. Ridgeway, Co. and we would like to again voice to the planning Commission that we are in opposition to any changes to the Visual impact rules that we presently have. We bought this lot several years ago under the present rules and don't think that it is fair to change them without being grandfathered in to the old rules. Thank you. Donald and Deanne Graham

From: QBS Events - Sue [mailto:sue@qbsevents.com]
Sent: Friday, March 01, 2013 8:44 PM
To: mcastrodale@ouraycountyco.gov
Subject: VIR comments

Dear Mr. Castrodale,

Please find my comments regarding the VIR attached.

Thank you for your consideration.

Sincerely,
Sue Husch
626-4480

ATTACHMENT:

169 Ridgway Hills Drive
Ridgway, CO 81432
970-626-4480

March 1, 2013

Dear Planning Commission Members,

Please find below a slightly revised version of my comments made before the meeting February 26, 2013.

We purchased our land just off County Road 12 in 1997. Our Remax realtor mentioned the Visual Impact regs at that time, but as more of an advantage than a disadvantage. When we were ready to build in 2009, the 2 lots to the south of us were already built on, which allowed us to use "personalized zoning" to set our house and windows toward awesome views of the San Juans - without having our neighbors in our line of sight. This is especially important to us since one of our nearest neighbors to the south is the Blue Cube (which apparently slipped through the cracks even with Visual Impact regs in place prior to 2007).

I am very appreciative of the work the Planning Commission has done over the past years on Visual Impact regulations. We built in the view corridor and did not feel any of the regulations were onerous or more expensive. It cost us no more to design our house for our site, match our stucco & stone to the local dirt, and no more to buy a brown metal roof than a blue one. When you are on Highway 550

in town and look east, unless there's snow, you hardly see our house at all. Not true of the blue cube (though thankfully it seems to have faded a bit over the past few years). Also not true of so many corridors in so many towns in Colorado.

I believe that tighter Visual Impact Regulations are a great benefit to me as a property owner – protecting my property values (which have *steadily* increased) while keeping the scenic value of Ouray County forefront in building and planning. The roads included could be expanded with a nod to farming and ranching, since tourism is one of our county's biggest economic drivers and people come for the views. I would very much appreciate knowing that County regulations prohibit another blue cube or a pink castle being built in Yankee Boy Basin... or in front of my house.

We need strong Visual Impact regulations in place now, so we don't have to try to go backwards; after Ridgway is overbuilt. By having strong regulations in place, we don't have to try to "undo" things after they are already done (think Family Dollar...)

Thanks again,
Sue Husch

sue@qbsevents.com

From: Dave Hamilton [mailto:Bucketedave@skybeam.com]

Sent: Tuesday, March 05, 2013 8:19 AM

To: lpadgett@ouraycountyco.gov; mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov; mcastrsdale@ouraycountyco.gov

Subject: Visual Impact

Dear members of the Planning Commission and the Board of County Commissioners:

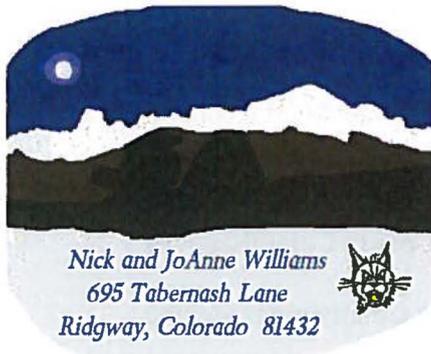
We would like to communicate our wishes as citizens of Ouray County regarding the proposed changes to the Visual Impact regulations.

The code that has been in place for the past several years has done a great job preserving the natural beauty here. Before that code was put in place, the ranchers and miners who built this area took even better care of the area, illustrating the FACT that good people make good decisions. This new proposal unreasonably invades private property rights and is nothing less than a grab for control by local government.

The proposed regulations would choke economic health in Ouray County from several directions. The real estate and construction business, already severely impacted, would dry up completely. New businesses would not be interested in moving here, and existing businesses may well leave. Children who graduate from local schools will be forced to look elsewhere to make a life for themselves. All these factors will deeply impact tax revenue, which in turn decreases services and jobs offered by county government.

This is real, people - get out of your fairy tale and tend to business properly. Read your copy of the Constitution. (If you don't have one the library does.) Honor the founding principles of this country and allow citizens to exercise their own judgment about their own property and their own business.

Dave and Kate Hamilton
ironhorsestudio@skybeam.com



Mark Castrodale
Ouray County Land Use Office
PO Box 28
Ridgway, CO 81432

To Whom It May Concern,

Regarding the 26 February 2013 Public Hearing on Visual Impact Regulations (VIR), my wife, JoAnne, and I both support the recently proposed changes to the VIR made by the Ouray County Planning Commission (OCPC). We are also opposed to delaying this process further as the 1999 standards are inadequate considering their failure to include many sensitive areas of the county coupled with the fact that Ouray County has experienced significant growth since 1999. Please include this letter as part of the material in the public hearing.

It should be stated that my wife and I do have a vested interest in this matter as we have lived in Ridgway for almost three years and owned property in Ridgway for almost 11 years.

In considering VIR, one simple fact should be considered paramount. According to a February 2013 news article based on U.S. Census data, over the past decade, the population of Ouray County has grown and grown considerably. In 1990, the population was 1447. The population in 2000 was 3742. In 2009, the population grew to 4602. This represents an increase of almost 23% from 2000 to 2009 and a 63% increase from 1990 to 2009! With an increasing robust economy, it is expected that the county population will continue to grow in this decade. If our community does not take the appropriate action regarding Visual Impact, Ouray County will compromise its rural charm and become yet another depressingly urbanized (and commercialized) mountain town. Or, as the song states, "they paved paradise and put up a parking lot." (Note that we are aware of the distinction between VIR and commercial zoning and restrictions. Nonetheless, the two are closely related. If our town had been more vigilant, perhaps Ridgway wouldn't be haunted by the hideous physical spectre known as Family Dollar—even if we didn't object to the store, we would condemn the architecture).

Some factions have predicted that reduced property values, loss of views and reduction in property taxes will result if the recently proposed VIR changes pass. This myopic and pessimistic perspective seems to ignore the decade long growth of the county coupled with expected future expansion. It also ignores the fact the proposed changes are not radical and are routed in common sense—protect the viewshed. It would seem that certain special interest groups (realtors, developers, and brokers, among others) condemning revised VIRs are oblivious to the fact that growth will occur in the county regardless of VIR changes. Furthermore, the recently proposed OCPC changes are not major changes but fine tuning needed to keep up with the times. By implementing the proposed VIR changes, we will ensure that the welcoming rural personality and stunning vistas of Ouray County remain unobstructed now and in the future.

Some have argued that we must be development and builder friendly, not restrictive, to

encourage growth. They will argue if you attempt to restrict future development through the VIR tuning, these regulations will serve as a serious deterrent to expansion resulting in both revenue and tax losses. This grandstanding assertion was posited by those who pad their wallets with sales commission for a livelihood than an assertion based on reality. No one will argue that Ouray County's most outstanding resource is its rural charm and natural beauty. Some do argue that a community (i.e., local government or higher) has no right to interfere with the rights of property owners. This argument should be dismissed as political whitewash. Failure to implement the proposed VIR modifications will NOT severely handicap landowners and it will not strangle future growth. VIR tuning will ensure well-regulated and managed growth at a reasonable cost while safeguarding the rural charm and scenic magnificence of our community.

What are the consequences of not adapting updated VIR recommendations? While Ouray County won't become "Dogpatch" in a mountain valley, there is a great potential for community to become visually degraded. Do we really want to become Aurora west?

In spite of attempts to update it, the 1999 plan is still in effect today. Unfortunately, in spite of continued and projected county growth, there are some who would prefer that we continue to apply the 1999 standards or, worse yet, eliminate VIR altogether. Attempts have been made to sabotage the OCPC determination by waiting until the next BOCC comes on board. The minority doesn't like the outcome so let's wait until a new group is seated. This was not an option; it was a stall tactic. Let's move past 1999 and into the present. The future is now. Now is the time to fine-tune the Visual Impact Regulations to reflect today's reality which will protect our beloved mountain community vista. The OCPC has accomplished this; their latest recommendations should be accepted.

If you have questions, you may feel free to contact us via phone (970-318-6713) or e-mail (stoutheartnick@aol.com)

Set a Stout Heart
To a Steep Hillside



Nick (and JoAnne) Williams

A.T. (After Thought)—After attending the 26 February 2012 VIR meeting, I feel compelled to comment that I definitely felt obvious hostility and ridicule from those attending who were anti-VIR. Pro-VIR supporters stereotyped the pro-VIR group as outsiders. While not too offensive, their conduct was uncivil and rude (clapping after each anti-VIR speaker, chattering during the presentations, etc., although I personally wasn't too offended by being termed a "ground squirrel." To this I must point out something overlooked and obvious. At one time, ranchers and farmers owned much of this valley. But, at some point, they sold their land opening the way for future development. Then, at some point, the architects and builders planned and constructed homes on the land opening the way for future residents. Then, at some point, the real estate

agents sold that land along with homes and property opening the way for different and divergent views. The action of the aforementioned groups eventually empowered the proponents of VIR. They gave us our voice and our rights to be an active and legitimate part of the policies of this community including the VIR decision. The ranchers, builders, and real estate agents represent an anti-VIR agenda. But their past decisions made us players in deciding the future of Ouray County VIR and other political aspects. More land will be sold, more homes will be designed and sold, and more outsiders residents will move in and become insiders (i.e., residents). This is not the old west. It is the new and changing west.

Roland and Faye Hinkson
P.O. Box 5
Ouray, CO 81427
Feb. 26, 2013

Ouray County Commissioners
P.O. Box C
Ouray, CO 81427

Dear Ouray County Commissioners, Mike Fedel, Don Batchelder and Lynn Padgett:

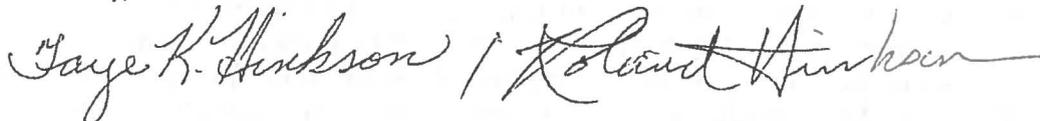
The proposed Visual Impact changes are another step in taking away our rights as a free nation. We are losing our rights so fast, one after another, that it's hard to keep track of where our freedoms start and where they end. A property owner, who owns THE property, pays THE taxes on THE property, works and labors to improve THE property should not be told what he can do with his own property.

This is a gross over reach of Government Power that should not be tolerated in a free Society. We do not need such a flagrant abuse of power in Ouray County or anywhere else in America for that matter. What made America great and keeps America great is the freedom to do with what is yours as you see fit, keeping in mind your neighbors rights as well. There is no excuse for such a change in the already restrictive impact regulations as they are now strict enough and this is just another step in the **Agenda 21 ploy to destroy America.**

So please do not make any more restrictions on our lives, and do not take another freedom away, **to live our lives and do with our lives as we see fit.** We do not need the GOVERNMENT telling us what we can or cannot do with what is already ours in the first place.

Thank you for your attention to this matter.

Sincerely,

Handwritten signatures of Faye K. Hinkson and Roland Hinkson. The signatures are written in cursive and are positioned above the printed names.

Faye Hinkson and Roland Hinkson

February 21, 2013



POST OFFICE BOX 1077
RIDGWAY, COLORADO 81432

roccnet.org

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Ouray County Planning Commission
111 Mall Road
Ridgway, CO 81432

Re: Draft Revisions to Land Use Code Section 9 Visual Impact Regulations

Dear Chairman Lipton and members of the Ouray County Planning Commission,

Thank you for the opportunity to provide these comments on the Planning Commission's draft revisions to the County's Visual Impact Regulations ("VIR"). Please make these comments part of the record.

These comments are submitted on behalf of the Ridgway-Ouray Community Council (ROCC). ROCC is a grassroots community organization of nearly 200 Ouray County residents, property owners and taxpayers. ROCC's primary mission is to maintain and improve the quality of life in Ouray County through the creation of a healthy, sustainable and well-planned community and the restoration and protection of its natural environment, taking into consideration the needs, interests, and concerns of the community at large.

General Comments

First, we all know that the citizens of Ouray County overwhelmingly support the preservation of the County's scenic beauty and vistas as promised in the Master Plan. This is why most new residents come here to work and live, and why tourists visit us. And when they are here, they do not just look at our jaw-dropping scenery. They spend money in the county - they buy or rent property, and build or buy homes, they shop and eat at local businesses, they stay in our hotels, motels and B&Bs, they rent jeeps and ATVs and take tours of the mountains and historic mining areas, they fish and hunt. In other words, they create jobs and economic activity. In short, our stunning scenic vistas are what underpin our tourist economy and future residential and commercial development opportunities.

It is critical, then, to achieve the promise of the County's Master Plan - "maintain strong visual impact regulations." Almost everyone agrees that the current visual impact regulations are good, but can be improved. They have limited application and don't even apply to some of the most scenic and tourist-visited areas, such as Yankee Boy Basin and other high country areas, where many hundreds of privately owned lots are beginning to feel development pressure. Also, land use staff and builders would like to see some refinements and clarifications. There have also been some cases where the current visual regulations have not measured up to the goals of the Master Plan.

ROCC therefore deeply appreciates the tremendous effort and energy the BOCC, Planning Commission, staff, members of the building and real estate community, and public have put into updating and improving the County's visual impact regulations. ROCC generally supports the PC's proposed revisions as an overall, integrated package reflecting hard work and a number of new, creative ideas.

We believe, however, that some changes could dangerously water-down and compromise the strength of the current VIR, and we offer the following specific comments.



Specific Comments

The "Purpose" clause

We agree with the current VIR that there is an economic benefit derived from visual impact regulations. So, we would urge the Planning Commission to add back language that links the protection of our stunning scenery to the broad well-being of our local economy, which would include both tourist-driven economic activity and development resulting from the attraction of new residents to the area.

The dilution of Section 4's policy regarding non-conforming structures

Section 4 of the current Land Use Code requires that older, "grandfathered" (i.e., non-conforming) buildings be brought into compliance with the Land Use Code when expanded or enlarged, unless a variance is granted. The proposed revisions in Section 9.2.B(5) and (6) give a partial free pass for skyline breakage and setback violations for these buildings, with no variance required. We believe that this represents a serious and damaging dilution of the strong policy of the Land Use Code that, while nonconforming buildings can generally remain as is, they should be brought into compliance if they are changed in a substantial way. Virtually every land use code in the country includes similar requirements.

We understand that the proposed revisions represent an effort to address allegations that applying the VIR to additional areas would result in a vast number of new nonconforming buildings, stifle remodels and additions, and prompt a deluge of variance requests. First, the 1997 revisions dramatically expanded the VIR coverage and the same claims were made then. Staff reports that very few issues have arisen in the intervening 15 years, and only a few variance requests have been needed. The claims are exaggerated and unsubstantiated.

In any event, the best way to deal with nonconforming structures is through the time-tested variance process which has been used successfully in this County for years. When you create an exception in the Land Use Code, the risk is that it will be overly broad and allow development that you did not intend to allow. It is far better and wiser to deal with exceptions that may be needed on a case-by-case basis, where the facts and circumstances of each situation are known and can be addressed.

We would therefore urge the PC to delete Section 9.2.B (5) and (6) from the proposed revisions. Instead of diluting Section 4 with overly broad exceptions, trust the Visual Impact Review Committee (with its majority membership of building design professionals) and the Board of Adjustment (typically the BOCC) to arrive at an appropriate resolution using the variance process.

The setback exemption for existing subdivisions

Similarly, Section 9.2.B(7) broadly exempts existing subdivisions from the 100 foot setback. The obvious intent of this section is to address a situation where lot lines in subdivisions were drawn in light of previous, shorter setback rules, perhaps resulting in legal lots that don't have enough depth to accommodate a building site with a 100 foot setback. Like the exceptions for nonconforming structures, this also attempts to address the fears of those who object to the inclusion of new roads.



Again, we believe that this exception is overly broad and unnecessary and will inevitably lead to bad results. First, the same potential situation existed in 1997 when the previous revisions were made, but very few cases have arisen requiring variances in the last 15 years. Also, the exception would apply to all lots in the subdivision, even if only a few lots actually need relief from the 100 foot setback.

Finally, like nonconforming structures, the best way to address the few lots that would actually need the exception is through the variance process where the facts and circumstances of each individual case are known and a tailor-made solution can be reached.

We would therefore urge the PC to delete Section 9.2.B(7) as well as 9.2.B(5) and (6).

Blending

We strongly support the addition of blending as a required rather than optional element of the VIR. We believe that the most critical method for making sure that new development does not dominate or detract from the natural scenic landscape is through harmonizing the exterior color, materials, size and shape of the building with its surrounding environment. This is the method commonly used by communities and governments everywhere, from the National Park Service to small towns and counties, to protect scenic views. A lack of blending is, in fact, what characterizes the cases in Ouray County which have been perceived as examples of where the intent of the current VIR has not been achieved.

New Visual Corridors

We believe the primary shortcoming of the current VIR is that it does not apply to some of the most scenic areas visited by both visitors and residents. The most obvious examples are Camp Bird Road, Yankee Boy Basin, and other high country areas visited by many thousands of tourists and residents each year because of their spectacular natural and historic scenic views. Also, the current VIR haphazardly applies to some roads but not others, with no rhyme or reason, even though they share virtually the same characteristics. A good example is County Road 10 (currently included) vs. County Road 12 (currently excluded). In short, the current VIR does not fulfill the Master Plan's mandate to protect the County's "visually significant areas."

We therefore commend the PC for its painstaking and comprehensive analysis and ranking of all the County Roads and highways based on the BOCC's suggested criteria. The result is a recommendation that the VIR apply to all the roads which rank as important as or better than the roads in the current VIR.

This is a reasonable approach, but begs the question – Why should the existing roads set the bar for whether other roads are included? The current VIR falls short of the Master Plan's promise to protect the County's visually significant areas. We believe that this is the standard that should be used.

We believe that the entire County is a "visually significant area" and that all County Roads should be included regardless of their ranking. Some areas have more stunning scenic vistas than others, but should one area be excluded because its stunning scenery is less stunning than others? A good example is County Road 1. The southerly portion (included) enjoys iconic views of the



Sneffels and Cimarron ranges and of the valleys and ranch lands below. The northerly portion(excluded) has wide open views of the Cimarrons, the Uncompahgre Plateau and Valley, and Grand Mesa. Both are “visually significant” and enjoyed by residents and visitors alike, yet the northerly portion is excluded because it fell one point short of meeting the bar set by existing roads.

We would therefore urge the PC to include all numbered County Roads in its recommendation to the BOCC, since the entire County is a “visually significant area.” This would also address the arbitrary disparity in treatment of different areas and properties which is inherent in the current VIR.

The Point System

We support, in general, the proposed refinements in the point system. As suggested by building design professionals, the reductions in the impact points assigned to building size and height make logical sense. Likewise, we believe the increase in mitigation points for distance from the road will dramatically reduce the overall visual impact of new development by providing increased incentives. We also support reducing the available mitigation points for added screening, since, as staff and others have said, added vegetation may or may not survive and hardscape screening with berms and such can itself create eyesores. We believe that adding mitigation points for “apparent massing” could lead to problems of interpretation, but support the revision nonetheless based on the advice of area architects and staff that it will work and can be effectively administered.

The Escarpment Edge Setback

We would support a setback greater than the current 50 feet, as some of the most prominent examples of the shortcomings of the previous VIR have resulted from development too close to the edge. However, the clarification of the measuring point in the revisions, as recommended by a real estate professional on the PC, is an improvement.

Skyline Breakage

Like blending, the skyline breakage standards are a critically important part of the VIR. The current rules have worked well overall and we support their retention, including the “peek-a-boo” exception.

However, Section 9.3.D(3) adds a further exception “where no building site exists that meets the skyline breakage requirements.” First, it will be problematic to assess a lot under that standard. Also, we believe that this exception, like those for nonconforming structures and setbacks in existing subdivisions, may be overly broad and result in building that does not meet the intent of the VIR. As before, we believe this exception should be deleted and reliance instead placed on the variance process for those rare cases where relief from the strict requirements of the skyline breakage rules is needed.



Summary

Previous County Commissioners, knowing that the natural beauty of this area would be the community's lifblood, have maintained a VIR here since 1987. In the visual corridors where it has applied, it has preserved our unique and beautiful landscape for the enjoyment of all. It has done this without stopping new development, harming property rights, or making it too expensive to build. It has instead protected everyone's property value, and the public interest, by preserving our natural scenery. Now is the time to update the VIR to improve and position Ouray County for smart, intentional and informed development.

Thank you again for your years of hard work and for giving us the opportunity to contribute to this important discussion.

Respectfully yours,

Ridgway-Ouray Community Council
By ROCC Vice-President, Rozanne Evans

cc: BOCC, Mark Castrodale, Bryan Sampson, Martha Whitmore

From: SUSAN WATSON [mailto:wats3252@msn.com]
Sent: Thursday, March 07, 2013 1:45 PM
To: dbatchelder@ouraycountyco.gov; mfedel@ouraycountyco.gov;
lpadget@ouraycountyco.gov
Cc: mcastrodale@ouraycountyco.gov
Subject: Visual Impact Regulations

Dear Commissioners Batchelder, Fedel and Padgett:

The process used to reach this latest iteration of proposed changes to Section 9, has been far too contentious, unfairly factional, severely flawed and difficult to fairly implement.

We ask, please consider how demonstrably convoluted this proposal has become; how difficult it will be to apply; how much these severe changes to land use codes will cost our local economy; and what will be the unintended consequences when property owners begin to challenge the county in a court of law.

We encourage you to please vote against the proposed changes to Section 9, Visual Impact Regulations of the Ouray County Land Use Code.

Thank you for your time and attention.

Sincerely,

Les and Susan Watson

Ouray County

From: John & Sandi Ivory [mailto:sandi81427@yahoo.com]
Sent: Friday, March 08, 2013 1:16 PM
To: mcastrodale@ouraycountyco.gov
Subject: Visual Impact

We are totally against the proposed changes to the Land Use Code - Section 9, Visual Impact Regulations. These changes may well have a negative impact on future taxes, and many more unintended consequences we will have to face. These proposed changes are capable of having a long-term harmful impact on property rights, taxes, future growth and property values.

This area sells beauty, but we cannot penalize the people who build new homes or renovate an old one and invest in the area.

Please don't jump into a decision that could wreck our already failing economy.

John and Sandi Ivory
737 Main - P. O. Box 528
Ouray, CO 81427
970-325-0123

From: dsvenson@sdmproperties.net [mailto:dsvenson@sdmproperties.net]

Sent: Sunday, March 10, 2013 9:17 AM

To: mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov

Subject: proposed VIR

Hello -

I am writing to you to inform you that I do not support the proposed visual impact changes to the land use code. I was not in town for the last hearing, or I would have spoken.

I purchased a property with a home off county road 24, and now live here full time. I decided to retire and leave the racket and rat race of the Denver area. Like a lot of people, I have always thought that this place we are all blessed to live in, is one of the most scenic places in the world. I have a real estate background, and do not believe that the land use code needs to be changed. It is apparent to anyone who comes here, that the current land use code works very well at protecting the scenic vistas and scenic value, that we enjoy every day.

The new proposed regulations are just another attempt by government, to control and tell the people what they can do.

Thanks

David Svenson

4551 County Rd 24

From: Carl Cockle [mailto:carlc@ouraynet.com]

Sent: Saturday, March 09, 2013 5:46 PM

To: mfedel@ouraycountyco.gov; lpadgett@ouraycountyco.gov; dbatchelder@ouraycountyco.gov

Subject: Visual Impact Meeting

To All Commissioners:

I am responding with this e-mail to let you know that I am opposed to current changes in the Visual Impact Regulations. Over the years we have worked with these visual impact regulations with no problems. How many appeals have you had over the last ten years. Maybe a handful.??? . If it is not broken leave it alone. As a previous county planning commissioner I worked on a portion of these regulations. I really did not feel that we were accomplishing the correct task. It became a freight train ready to wreck and we could not stop it and the commissioners at that time were not listening to the ad hoc committee and staff recommendations. They went on deaf ears.

I have been a realtor in this area for over 10 years now. Real Estate is looking a little better this past year; however if you implement these changes I guarantee you that the Real Estate business will decrease considerably. It is not even reasonable to expect to make these current homes become non-conforming. Under current Real Estate Rules with the property disclosure required this nonconforming violation has to be reported and explained . For the most part that will be an end to the contract. Buyers do not want to be tied up in this type of problem.

You can add both my name and mary's name to the list opposed to these changes.

Thank You,

Carl and Mary Cockle

-----Original Message-----

From: Annette Henry [<mailto:ajeanhenny@gmail.com>]

Sent: Sunday, March 10, 2013 6:28 AM

To: lpadgett@ouraycountyco.gov

Subject: Visual impact

Dear Ms. Padgett,

I'm writing because i believe the current VI rules are sufficient, maybe a few tweaks here/there but not what i have read. We have lived here 20 yrs. coming from So. Calif. and have been very happy, people have always said the same thing over and over, basically they want to move here than close the door for others to come, well we know that doesn't work! We do not like over government, a few tweaks fine, but what i have read we do not want in place.

Thank you, Annette/Gig Henry

From: John Mitchell [mailto:jrm@ouraynet.com]
Sent: Saturday, March 09, 2013 10:23 AM
To: lpadgett@ouraycountyco.gov
Subject: Visual Impact Regulations

Ms Padgett:

Due to scheduling conflicts I have not been able to attend any of the Hearings on the Proposed Visual Impact Regulations. It was my understanding that they were to be available on the web as well as at the hearings. I can not find them on the County Web Site, but I do find a very slick presentation in favor of the proposed regulations. I do have a couple of concerns about them:

1. Is the word blend defined in the definitions section? If it is not, then how will future members of the board or Commissioners decide on the meaning of blend? If it is not clearly defined, what colors blend? Does contrasting color trim blend? By definition of contrast it obviously does not.
2. How does Marie Scott's old house fit the proposal? If it is ever determined to be a historical structure, can it still be painted white with a red roof?
3. How much money did that slick presentation on the web cost us tax payers?

Thanks for listening or at least reading.

John R. Mitchell

From: Ralph Walchle [mailto:ralph@walchleranch.com]
Sent: Saturday, March 09, 2013 8:57 AM
To: mcastrodale@ouraycountyco.gov
Subject: Visual impact proposals

To: Planning Commission Members

Re: Proposed changes to Sec. 9 – Visual Impact regulations.

As a long time landowner in Ouray County, I am ADAMADENTLY OPPOSED to the implementation of any part of the proposed changes and encourage you to withdraw this proposal in its entirety. I do understand from talking to land planners, architects and builders that the current guidelines need some review and possible revision but, this draconian approach to visual impact is a huge taking of private property rights, will greatly decrease my property values and will ultimately be a huge impact on Ouray County tax revenues.

I have spoken with a land planner and have done a very cursory review of how these regulations would apply to the property I have owned, east of Ridgway, for the past 36 years. Since the majority of this land is viewed from 4 county roads, it appears that it would be physically impossible to build any home on this property unless it was a totally underground, invisible bunker. Both of my children, now adults with children of their own, were raised and educated here. From the time they were small, Karen and I have envisioned the day that each of our two Sons and their families might be able to live on the ranch where we could be a very active part of the grandchildren's lives. We've had many picnics on the spots where it would seem appropriate to build a couple more homes. Under current land use regulations we could do so. Currently, there would be one county road from which these visual guidelines would have to be met. It would be costly for us to comply but it could be possible. Now, if these rules were to pass, it appears it would be totally impossible to comply.

So, when your committee and the promotional material say that these regulations will not increase the cost of building and that our property values would not be decreased, these statements are just not true.

It is very obvious that this is a plan to hugely restrict building in the county and is designed to enforce upon all of us the desired views of a limited minority.

It is interesting that the majority of the county residents, most of whom have moved to this county in very recent years, came here for the rural beauty but now your committee determines that the majority of ranch historic buildings as 'NON CONFORMING' to their views of what beauty should be. My home, built in 1930 – a Montgomery Wards catalog home – has been the subject of some calendar pictures and I have seen paintings of it in several art galleries, yet, it would now not fit under your proposed rules.

We do not need more regulation in this county. Please withdraw this proposal.

Thanks sincerely,

Ralph Walchle

WALCHLE RANCH
REAL ESTATE & CATTLE
3500 County Rd. 12
Ridgway, CO 81432

From: kathryn urso [mailto:katsanc@q.com]
Sent: Monday, March 11, 2013 1:11 PM
To: mcastrodale@ouraycountyco.gov
Subject: Visual impact

I want to raise my voice in FAVOR of the VISUAL impact regs. I think it is the best way to keep the majority happy, and our beautiful countryside fair. Thanks, Kathryn Urso, Log Hill Village

From: STEVE WALKER [mailto:walkerkrill@msn.com]
Sent: Monday, March 11, 2013 1:44 PM
To: mcastrodale@ouraycountyco.gov
Subject:

Mark, my name is Steve Walker i was born in Montrose and have had family ties to Hinsdale, Sanmiguel and Ouray countys all of my life, so you can see that i love this country and am not just interested in investments only.

I currently own two parcel in Ouray county, one located on county road 23 (the old Pedmont school property) and am currently restoring the existing historic building with a possible small addition.

I am strongly opposed the this new visual impact ordinance it would require that I live in a box 6' high?!?!

Thank you for your time. I would not want to be in your shoes no offence.
God bless
Steve Walker

-----Original Message-----

From: MaryAnn [mailto:2jackson@zoho.com]

Sent: Monday, March 11, 2013 9:42 AM

To: lpadgett@ouraycountyco.gov

Subject: Visual Impact

Ms. Padgett,

We implore you to remember personal properly rights as your number 1 priority. Less rules and regulations, not bigger government , are hallmarks of a free people.

Stop the intrusion!

Mary Ann Jackson

3102 cr 22

From: Bud Zanett [mailto:zanettcpa@ouraynet.com]
Sent: Monday, March 11, 2013 12:15 PM
To: mfedel@ouraycountyco.gov
Cc: dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov
Subject: Visual impact Regs.

Good Morning

My thoughts and opinion on the above and the proposals by the County PC, be advised that I am totally against any change to the EXISTING Regs.

If you are unaware, I am a very strong advocate of individual property rights and the proposed changes are an "attack" on said rights—Surely, you have plenty of items on your agendas(s) than consider the changes..the County PC is completely wrong to consider any changes!

Sincerely

Bud Zanett
zanettcpa@ouraynet.com

From: Gail Slemmer [mailto:gailslemmer@live.com]
Sent: Tuesday, March 12, 2013 9:49 AM
To: mcastrodale@ouraycountyco.gov
Subject: Support for proposed changes to the Visual Impact Regulations

Dear Mr. Castrodale,

As I understand them, the proposed changes to the Visual Impact Regulations are reasonable and desirable, and I urge you to support them. The proposed changes will ensure the long-term protection of some of the county's most scenic drives and vistas from potentially intrusive new development. I would personally hate to see the views from CR 12 change in noticeable ways. As someone who grew up in a Colorado ranching family, I assume that many if not most of the people who have ranched and farmed in Ouray County would also hate to see that happen. Such changes seem to come when people buy up these properties specifically for development.

The protections included in the proposed regulations appear to be modest and fair, causing no harm to owners of currently developed property and reasonably restricting future development in ways that can be accommodated by the property owners. It sounds like much of the controversy over the proposed regulations is based on intentional misinformation about how the regulations would actually affect individual property owners.

The Ouray County Commissioners should have the benefit of a recommendation based on facts and reasoned judgment.

Sincerely,

Gail Slemmer
130 Snowy Peaks Drive
Ouray County

-----Original Message-----

From: "John Meltzer" <redfishjohn@meltzerproperties.com>

Sent 3/8/2013 9:58:22 AM

To: mfedel@ouraycountyco.gov, dbatchelder@ouraycountyco.gov,
lpadgett@ouraycountyco.gov

Subject: re: Section 9 Revision of the Ouray County LUC

Mr. Fedel, Ms. Padgett and, Mr. Batchelder,

I am writing as a knowledgeable property owner, to express my grave concerns regarding the proposed revisions to Section 9 of the Land Use Code. I own several properties in Ouray county, 3 of which I believe will lose value, potentially substantial value, should the proposed revisions be passed.

First, several years ago I purchased a 1500 sq.ft. home with out-buildings/fencing etc, on 16 acres at 2 Percheron Trail just east of Ridgway off CR 12. The original intent was to expand the home, but the economy and circumstances changed. I now plan to sell the property once our market stabilizes. If the revision passes, the potential value in the property will be dramatically reduced. Not only confined by the amount of additional square footage that a new buyer may also want to add on, but also, although the property is conforming at present, it probably will not be conforming under the revised code.

Secondly, I own 2 homes in Chalet Hayden, a neighborhood created some 35/40 years ago, just off CR361. Both conform to the county land use code. But, should the revision pass, they will become nonconforming. If a fire should occur, I'm not sure what/if I would be able to rebuild. I am planning to sell one of these homes. If the revision passes, I will have to disclose that the home is nonconforming. This will definitely impact/devalue the selling price. There are a number of Chalet Hayden homes in the same situation, one of which is presently on the market to sell. Also, there are numerous lots that are not yet built on. The implications of the passage will be devastating on those owners.

I have been in the real estate business for over 35 successful years, and, as a consultant to Fortune 500 Companies and high net worth individuals on their real property since I learned enough to be dangerous. My concerns may be emotional, but my observations are backed by years of objective real property analysis. Should this revision pass, the county will not have the resources or the willingness to pay for my loss of value.

Please do not pass the proposed revision to Section 9 of the Ouray County Land Use Code.

Thank you for your consideration.

John

John A Meltzer CRE, CCIM
Meltzer Properties, LTD
Ridgway Real Estate
New Orleans La./Ridgway, Co.
970-626-3000
redfishjohn@meltzerproperties.com

-----Original Message-----

From: "Donna Whiskeman" <donna@cimarronrealty.com>

Sent 3/9/2013 7:26:15 PM

To: "Mark Castrodale" <mcastrodale@ouraycountyco.gov>, mfedel@ouraycountyco.gov, dbatchelder@ouraycountyco.gov, "Lynn Padgett - Main" <lpadgett@ouraycountyco.gov>
Subject: VI Letter

Mark, Mike, Don and Lynn,

Attached please find my letter regarding the proposed changes to Section 9. I oppose the changes but am in favor of what the PC has done being passed on to the BOCC for review and decision.

Donna Whiskeman

Donna Whiskeman

ReMax Cimarron Realty, LLC

112 Village Square West

Ridgway, CO 81432

Office: 970.626.7119

Cell: 970.729.0273

donna@cimarronrealty.com

Attachment:

**Donna Whiskeman
2411 County Road 1A
Montrose, CO 81403**

March 9, 2013

To: Commissioners Fedel, Batchelder and Padgett
The Ouray County Planning Commission

Re: Proposed Changes to Section 9 of the Land Use Code

You are all in receipt of my Power Point presentation given at the Public Hearing on February 26, 2013. The following are additional thoughts that the 15 minutes did not allow.

- 1. The expansion of additional roads.**

- A. The matrix used to assess which roads should be included was extremely subjective. Three people in a room would each have a different opinion as to whether the view from any proposed road was “iconic” or not. I challenge each of you to drive CR 906 and tell me why that road was included.

CR 14 A leads to a trailhead, but, by including it, the PC has compromised an entire subdivision (Panoramic Heights). There is no potential for development on CR 14A and it’s not being included would in no way be a detriment to our tourist industry. The view from 14A to the west and south is beautiful, but the potential burden put on homeowners, especially in Panoramic Heights, is unwarranted and oppressive.

The last point I will make has to do with CR 1 from south CR 1A to Colona. I was at the PC meeting the night it was proposed to be included. Commissioner Lipton opposed its inclusion but was overruled and it was included. I was not at the meeting where it was decided to remove it. While I am pleased that it is not on the list, what criteria all of a sudden deemed it no longer a candidate? It would seem to call in question the entire process.

- B. The PC looked at only one economic benefit to the County – tourism. While it is certainly important, our building and real estate industries also contribute significantly to the County’s bottom line. A lot is purchased, a home is designed, a builder is hired, trades are engaged, utilities are purchased, materials are purchased, a new homeowner trades at our restaurants and stores, children attend the schools, property taxes and sales taxes are collected. The trickle down impact on our economy is tremendous. The more difficult we make it for someone to build here, the more we will see them choosing an area that is not so restrictive.

2. The Point System

A potential homeowner cannot begin to understand what has been proposed without the help of a professional. If clarifications needed to be made a committee of design professionals could have rectified them in a few days time. One of the main problems with this entire process starting in October, 2009, is that the people proposing the changes have no professional experience and cannot possibly understand the real world effects of what they are suggesting. Professionals who offered their services to the BOCC were rebuffed. What we are left with is an ideology masquerading as responsible land use.

3. Skyline Breakage:

Why is it necessary for existing homes on the valley floor to now be penalized for breaking the skyline? Can you find another jurisdiction that requires such a thing? Breaking the skyline on a ridge, bench or hilltop is one thing, but in the valley? You also now have homes that did not skyline from the current corridors, but now do from the proposed new roads. Why?

The PC believes they have "softened" the provisions of Section 4 by allowing for a ONE TIME exemption from this requirement for the life of the structure. Who is going to monitor that history? Mark Castrodale has already conceded that it is unlikely that the Land Use Office will. It makes no sense to have something in the code that the county cannot enforce.

4. General Comments:

This process, from its beginning in October of 2009, has been managed to produce a pre-determined outcome. Commissioner Padgett's Power Point in May of 2010 began by showing billboards along the highway. The message was "we don't want this to happen in Ouray County". Never mind that we already had codes that would prohibit such billboards. Additionally, the examples of "offending" houses had already been mitigated or were the result of staff's decisions.

The inclusion of the mining roads south of Ouray is no more than circling back around to the proposed Section 30 to prohibit the building of "McMansions" that Commissioners Albritton, Meinert and Padgett tried to prevent, citing the county's inability to provide services to those areas. McMansions, how insulting to the people of this county.

It has been said that this process by the PC has included public comment. As someone who attended many of the meetings it was very obvious from Commissioner Lipton that they only comment welcomed was one that agreed with what was being decided. Any opposing member of the public was demeaned time and time again. It quickly became clear that attending these meetings and offering an opinion was not productive and many simply gave up attending.

Lastly, the post card that was sent out before the public hearing was a disgrace. The citizens of Ouray County were led to believe that they were not going to be adversely affected. Those on the proposed roads are absolutely affected! They are NOT grandfathered if they or a subsequent Buyer wants to remodel, add on or has to rebuild due to fire. If a home wants to pass the point system its color and position are affected.

Knowing the cost of producing a four color post card that size as well as mailing, it would suggest that it came from ROCC. The majority of the Planning

Commission are ROCC members and, to the extent that any of them knew about this piece, it is inexcusable.

I have no hope that the Planning Commission will alter its position and I believe their proposal should be passed on to the BOCC. I am confident the BOCC will consider all aspects of what is being proposed and come to a conclusion that will serve the best interest of the people in this county.

Sincerely,
Donna Whiskeman

From: John W. Nelson [mailto:johnwnelson@montrose.net]
Sent: Monday, March 11, 2013 9:26 AM
To: Ouray County Planning Board; Lynn Padgett; Mike Fedel; Don Batchelder
Subject: Opposition to Visual Impact proposals
Importance: High

Please read and consider the attached.

JOHN W. NELSON
970-240-2800

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

Attachment:

3246 CR 22
Montrose, Co. 81403

March 9, 2013

Ouray Board of County Commissioners
Ouray Planning Board
P.O.Box C
Ouray, Co. 81427

Re: Pending Visual Impact proposals

Ladies & Gentlemen:

I strenuously oppose all visual impact restrictions and particularly the current proposals. We moved here from Phoenix to escape crime, traffic, smog and government bureaucracy. Here, we watch wildlife, enjoy the outdoors and spend our free time on charitable and civic projects. We paid for our property, without any government assistance. Since no government entity paid for it, we expected that no government bureaucrats would tell us what we could do with the land, subject to reasonable zoning limitations. We certainly did not anticipate that county government would be making visual impact restrictions on our land, that of our neighbors or anyone else within the county. The current proposals are outrageous, will limit future growth, will significantly increase the cost of building or expanding, will breed major unnecessary litigation and in short, are legally and morally reprehensible. The current proposals also smack of Agenda 21 thinking.

Whether we live in or outside of the impacted zones, these proposed restrictions will cost us all dearly. The non-compliant structure owners will be embroiled in disclosure litigation unless they fully explain the new V.I. restrictions to a buyer. The county is certainly going to be sued since the proposal is not simply decipherable, constitutes a "taking" of property without compensation and is an unreasonable burden on some county residents. The proposal is clearly unenforceable and contains many arbitrary restrictions without any sound basis. They will require additional personnel and in all probability, every attempt to enforce them will be met with an appeal or a lawsuit. That money could be much better spent on roads and other worthy improvements.

Within less than a mile of my residence, there have been at least 7 completed foreclosures. Now is certainly not the time to increase the burdens on home and land owners. If you indeed really care about improving this county and the lives of its residents, you must vote against this egregious proposal.

Very truly yours,

John W. Nelson

cc emailed this 11th day of March, 2013

-----Original Message-----

From: "Gary Bennett" <gary@montrose.net>

Sent 3/9/2013 3:56:47 PM

To: mfedel@ouraycountyco.gov, dbatchelder@ouraycountyco.gov,
lpadgett@ouraycountyco.gov

Cc: mcastrodale@ouraycountyco.gov

Subject: Visual Impact Regulations

Please see the attached letter regarding the proposed visual impact regulations.

Gary L. Bennett
Ouray County Resident

ATTACHMENT:

See next page

Gary L. Bennett
678 Sumac Ln
Montrose, CO 81403
970-240-9680 home
970-209-0524 cell
Email: gary@montrose.net

March 9, 2013

Ouray County Board of Commissioners:

The Visual Impact regulations currently under consideration are very disturbing to me for a number of reasons and I urge you to vote "NO" on their adoption.

- The regulations are too complicated with too many unknowns and will require valuable county resources to enforce, which the county can't afford. It is my understanding that the Planning Commission wants to be able to hire consultants to help them interpret the regulations that they are promulgating, which is a very sad commentary in itself. That alone is reason enough to defeat over-complicated regulations in a county the size of Ouray County. Unfortunately, the prospect of needing outside consultants to interpret the regulations reminds me of Nancy Pelosi's famous statement about the health care bill: "We have to pass the bill so you can find out what is in it."
- The VI regulations are a serious intrusion upon property rights and the ability of people to make reasonable additions or other changes to their homes and buildings.
- The VI regulations will have a very negative impact upon property values, for both developed and undeveloped property. It will be extremely difficult for an owner to market a non-conforming property. In too many instances, the nonconformance could be quite minor, but would still have a serious impact on the marketability of the property.
- These onerous VI impact regulations will negatively affect the marketability of undeveloped land that falls within the view corridors being proposed. Many potential buyers will want to have nothing to do with the increased cost of construction and other hassles of complying.
- There is too much uncertainty about which roads would be included within the VI corridors, now or in the future. Once they get their foot in the door, it is easy to see that the VI proponents will try to expand the roads and types of roads that can be included. Many people value their remote property precisely because it affords privacy and is not in the view or hearing range of others. If expansion of the corridors occurred, it would only allow more government intrusion where it is not warranted. We have enough of that already in land use and other matters.
- On the one hand, various government entities are encouraging thinning of trees and vegetation in some of the more remote areas of the county for fire mitigation and wildlife habitat improvement. I have spent considerable time and money

doing that type of thinning. As currently proposed, my property would not fall within a VI corridor, but I fear that some could try to change that in the future, as stated above. But, it would be a cruel blow to any property owner who carried out thinning work to find out later that it made their property and structures more visible and, thereby, subject to these onerous and unfair regulations. In some cases, passage of the VI regulations will certainly deter such thinning in the future, to the detriment of wildfire control and wildlife habitat.

- Any negative impact that these regulations could have on the renewal of the mining industry, or the development of any other business or industry, in Ouray County make the regulations totally unacceptable. The last thing we need to be doing in this economy is passing regulations that discourage economic development. Unfortunately, it's easy to imagine that those pushing for the VI regulations have no interest in or knowledge of mining or other industries.

There are many other reasons I oppose adoption of these regulations, but I will not list them all here. I am disturbed that the regulations have been developed by a group of people who, for the most part, have no understanding of how the regulations would impact most of the affected property owners and most of the land mass within the county. These regulations remind me of the attitude that we so often see: "We're here, so close the gates and don't let anybody else in." In too many cases, that would be the result of the VI regulations on Ouray County.

I understand that a lot of time and effort has been expended to date on this issue, but that is no reason to pass these regulations. The County Commissioners should send this plan back to the drawing board or, preferably, drop it altogether. It is too restrictive and too intrusive.

Sincerely,



Gary L. Bennett

To: Mark Castrodale

From: Patsy Miller

Subject: Hard copy of my February 26 remarks

It is my understanding that the Planning Commission was directed by the BOCC to increase the objectivity of the visual impact regulations contained in section 9.

Within the scientific community the standard method of increasing objectivity is by quantifying the data gathered in studying a problem .

As the Planning Commission began their process of updating section 9, they gathered data describing the attributes of the count roads currently designated as visual impact corridors. To reduce the subjectivity of these attributes, a sliding scale of numerical values was assigned to these attributes using a point system. In this point system, the lower number of points accumulated by a road indicated the greater potential for development along the road, better views from the road, greater use of the road by the public, and additional access to public lands along the road.

Using this point system, the 9 county roads currently listed as visual impact corridors have a total number of points ranging from 3 to 6. The Planning Commission then rated all of the other numbered county roads using this same set of criteria.

The roads that are proposed to be included in the revised section 9 have total point values ranging from 3 to 6. The same number of points as the current visual impact corridors. The numbered county roads that will not be included as visual impact corridors have total point values from 7 to 16.

As directed by the BOCC, the Planning Commission's proposed revisions to

section 9 are designed to reduce the subjectivity of the visual impact regulations through the use of quantifiable, objective data on attributes of numbered county roads and by the continued use of an expanded numeric point system that assigns impact points for the size and height of a structure which are then offset by an increased number of mitigation points.

The use of the proposed evaluation criteria in the revised section 9 will insure that future development does not compete with the existing physical environment for the viewer's attention.

The Planning Commission should be congratulated for implementing the directive of the BOCC by quantifying the visual impact regulations in the proposed revisions of section 9 and thus making the code more objective.

The proposed changes to section 9 will facilitate builders and prospective home owners in constructing dwellings based on a uniform set of clearly defined visual impact regulations.

-----Original Message-----

From: Gary Johnston [mailto:johnstongp@skybeam.com]
Sent: Tuesday, March 12, 2013 11:52 AM
To: lpadgett@ouraycountoco.gov; mfided@ouraycountyco.gov;
dbatchelder@ouraycountyco.gov; mcastrodale@ouraycountyco.gov
Subject: Visual Impact

Dear Sirs,
Please receive, read and acknowledge.
Gary Paul Johnston
Ouray County

Attachment:

To Commissioners:
Lynn Padgett
Mike Fidel
Don Batchelder

12 March, 2013

Subject: Visual Impact

Dear Commissioners,

As we knew it would, the Visual Impact movement has begun to come from under its rock out into the daylight to wash away the longstanding, traditional property rights of the residents of Ouray County.

Established one hundred, thirty-six years ago by pioneers, Ouray County flourished with mining, agriculture, timber and above all, freedom! With industry dwindling, the county's population continued to shrink in size until the late 20th Century when others came to retire and settle here, largely because of the beauty, peace and quiet, my wife and myself included.

While we greatly value, however, the preservation of all the attributes that make Ouray County what it is, we value even more the rights of all those who live and have invested here. Preservation is one thing; destroying what others have legally built is quite another. Without knowing how new Visual Impact rules will affect the hundreds of thousands of dollars we have invested in improving our property, we remain equally concerned with the rights of those who now find themselves in Visual Impact locations. We also know that it will be only a matter of time for the rest of us, as it always is in matters such as this – divide and conquer.

Rest assured, however, that this assault on our freedom has awakened, as it were, a "sleeping giant." Even those who openly expressed that it "sounded like a good idea," will feel the punch of repression and temporary grandfathering of what they have bought, or by county permit, built. Elections will tell the tail, but we may not have to wait that long.

In the strongest opposition to your Visual Impact project we remain...

Cordially, Gary and Nancy Johnston
3768 C.R. 1
Ouray County, Colorado 81403

-----Original Message-----

From: Liz ahearn [<mailto:liz@skybeam.com>]

Sent: Tuesday, March 12, 2013 1:08 PM

To: mfedel@ouraycountyco.gov

Cc: dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov;

mcastrodale@ouraycountyco.gov

Subject: VI Regulations

These regulations are absurd in the extreme. You are attempting to destroy all the reasons we live in Ouray County. I really could care less about the tourism touted in the news releases. The quality of life, without restrictions on where and how we may build is important to us. I urge you not to pass these regulations.

Liz Ahearn

472 Coral Bell Drive

R.T. Wojciechowski
919 Sumac Lane
Montrose, Colorado 81403
March 7, 2013

Commissioners Michael Fedel & Donald Batchelder
Ouray County Board of County Commissioners
PO Box C
Ouray, CO 81427

Gentlemen:

Although Planning Commission chairman Lipton stated that all comments on Section 9 of the Land Use Code proposed amendments (Visual Impact) are required to go to him, and not to the county commissioners, as a number of persons addressing the Planning Commission on February 26th made clear, the Planning Commission has pre-determined the outcome without respect for public comment, thus the BOCC is the only hope of reasonable citizens.

My comments fall into several categories, dealing first with the validity of the process and second with specific proposal elements. As a detailed rebuttal of inappropriate proposal elements would take many pages to rebut even a simple sentence, and is thus not practical, these comments are only cursory.

Validity

Several comments from attorneys at the February 26th public hearing indicated the process utilized by the currently constituted Planning Commission (PC) did not comply with legal requirements.

I know from personal observation that the PC was advised on several occasions that topics of meetings were inadequately noticed to the public. Agendas were noticed in advance only for a short formal session, and those sessions were followed by extended "work shops" for which no detailed agendas, nor minutes, were available to the public. Thus members of the public were unable to make decisions about which work sessions, if any, to attend, and clearly one cannot expect the entire affected public to attend every one of the PC meetings. The PC disregarded requests for publication of detailed agendas.

As pointed out at the February 26th public hearing, four of five PC commissioners are members of the same political activist group which has its own agenda. Worse, the commissioner and alternate who had dissenting opinions were assaulted in at least one of the PC meetings by the majority who belong to that activist group. In fact, one commissioner formally demanded the dissenting commissioner and alternate be removed from the PC.

- Agricultural fences for any large holdings will inevitably cross over areas that meet the definitions of hill tops or escarpments or benches. To require that all such fencing go through the visual impact review process is ridiculous.

The definitions created have failed to consider consequences, intended or not. For example, Mr. Jackman asked the commissioners at the February hearing whether or not his agricultural accessory structures in the Colona area are, or are not, exempt from the proposed VI regulation. Chairman Lipton assured him they were exempt. Yet by the definitions in the proposed regulation they are not exempt for what most might consider a valley, as the area west of US 550 in the Colona area, and outside the exempted Colona plat, meets the regulation's definition of a "bench." Whether this is intentional or inadvertent is irrelevant: the definitions in the proposed regulation are far too broad and have failed to consider totally unacceptable consequences.

The purported exceptions for mining and agricultural structures are in most cases self-eliminating. For example, structures and roads on "benches" are not exempt, yet benches are created in the process of cutting in driveways or erecting most structures, even where naturally formed benches had not been present. Whether this circular illogic is intentional or unintentional is not the issue: the issue is that it makes most construction and access to constructed structures difficult if not impossible.

Expansion of VI corridors to the majority of the county, or entire county as some have championed, would adversely affect most of the county, yet the PC did not attempt any survey of the landowners of the properties that would be affected. While the proponents of the revision may not be affected, it is grossly unfair to impose such burdens on those who will be affected without giving their views significant weight.

A number of homes already in existing VI corridors are not currently directly affected because they are not, at the present time, visible from a VI corridor currently designated road. However, expanding the VI corridors as proposed would adversely affect not only buildings in the newly added corridors, but in many cases suddenly make visible, and thus subject to VI regulations, homes currently not visible but located within the existing corridors.

As was pointed out at the February hearing, by expanding the VI corridors, at least some locations will become virtually unbuildable because they may be seen from multiple directions and thus subject to scrutiny from several VI corridors. This is grossly unjust to the owners of such properties, which would suddenly be assaulted from many directions.

The concept that certain houses would only be permitted a onetime exception for a building permit during their entire life is ridiculous on its face. How many houses in the Ouray

the landowner to prove minimal visual impact, as well as increased cost of construction, in some cases precluding energy efficient construction.

General Taxpayer Cost Impact

For some reason, the PC intentionally did not address issues of cost to the county. Clearly, imposing a new, more complicated regulation will require additional staff time to process VI corridor permit applications for perhaps several years while interpretations are negotiated and established. However, expanding the VI corridors from 7 county roads to 50 county roads is a massive expansion that will require much more staff time than is currently required, and more than changing the regulation but limiting it to the current VI corridors. Furthermore, the PC recognized the complexity of the proposed regulation in specifically providing that the county hire outside experts to interpret its own regulation when processing individual applications. All these factors clearly indicate a much higher cost to the county to implement regulations than it currently bears. And if the county feels it must hire outside experts, each individual landowner will obviously be required to do the same, further increasing the cost of building in Ouray county.

The bottom line is that while extended discussion could be had on virtually every line of the proposed regulation, the regulation caters to the desires of two subgroups: some residents of the city of Ouray and town of Ridgway whose structures are not subjected to these regulations, and in most cases would not and could not comply if they were, and wealthy recent immigrants who have built trophy homes in heavily wooded areas such as Pleasant Valley and wish to limit further development in the county. The proposal ignores the desires and adverse affects on the properties of those living in the unincorporated portions of the county.

For those individuals wishing to live in a planned unit development (PUD), there are such available in the county, as well as elsewhere. But for the majority of residents currently living outside of PUDs in the unincorporated portions of the county, and owners of vacant land there, this proposal represents a gross intrusion on their personal choices and a vast adverse impact on the value of their property.

I urge you to cancel this project immediately. To the extent the building trades and architects identify specific issues with the existing point system for the existing VI corridors, a working group with their representation should be able to propose corrections to such identified problems, rather than a gross expansion of problematic regulations to the entire county.

Sincerely,



From: Susan Wing [mailto:susanwing@ridgwayco.net]
Sent: Tuesday, March 12, 2013 10:56 PM
To: mcastrodale@ouraycountyco.gov
Cc: mfedel@ouraycountyco.gov; lpadgett@ouraycountyco.gov;
dbatchelder@ouraycountyco.gov
Subject: Visual Impact Regulations

Attn: Mark Castrodale

My husband & I attended the public hearing regarding Visual Impact Regulations in Ouray County on Feb.26. I was quite taken aback by the level of vitriol, and the seemingly willful misreading of facts that characterized many of the remarks aimed against the proposed changes to our visual impact regulations. This despite the reality that the proposal is very much in line with the charge originally given to the committee by our Commissioners, to provide a bit more protection for the scenic value of our lovely county.

As a native Coloradan who has lived in this state most of my life, I have been well aware of how easily & quickly the communities which were once charming treasures along the front range and other parts of the state have been denigrated, primarily due to a failure to PLAN for positive growth rather than destruction. I am proud to live in a county in which planning has been strongly valued as we grow. Our community retains the incredible beauty of our valleys due to the years of hard work that have been put into preserving it up to now. It is NOT an accident! It is NOT a part of our history to destroy ourselves as we grow!

Unfortunately, I and others have sat back and said little, out of confidence that those of you entrusted with our protection will continue to plan carefully and wisely. My confidence was shaken the other night, by how very loud the nay-sayers seemed, and by the big-money of their backers. Please, please do not desert the many quiet folks who trust you to continue to plan wisely and conservatively for the protection of our unique and lovely county.

Thank you for listening,

-----Original Message-----

From: Alan Abrahamson [<mailto:aabrahamson11@yahoo.com>]

Sent: Tuesday, March 12, 2013 4:18 PM

To: mcastrodale@ouraycountyco.gov

Subject: Support for visual impact ordnance

Mark,

I would like to express my support for what I consider to be the very reasonable visual impact proposals currently being considered by the county.

I appreciate the efforts of our county commissioners to keep Ouray county for all to enjoy its beauty. Thanks.

Alan and MaryJane Abrahamson

1881 Marmot Dr

Ridgway, CO 81432

-----Original Message-----

From: Michael Cassidy [<mailto:cassidy@wraweb.com>]

Sent: Tuesday, March 12, 2013 8:10 PM

To: mcastrodale@ouraycountyco.gov

Subject: visual impact regulations

Mark

i support the Planning Commission's efforts to update our visual impact regulations. These regulations are consistent with the Ouray County Master Plan and the values that have made our county great. These regulations should have a positive economic effect in our county that is so dependent on the visitors who come to Ouray County because of its natural beauty. These regulations will help increase the value of our existing real estate. The expansion of the visual impact corridors is also more fair to all parts of the county.

Michael Cassidy
11 Canyon Dr
Ridgway

-----Original Message-----

From: nsanders@ouraynet.com [<mailto:nsanders@ouraynet.com>]

Sent: Tuesday, March 12, 2013 10:24 PM

To: mcastrodale@ouraycountyco.gov

Subject: I support the VIR

Hello Mark,

I live in Ouray and I want to email my support and applaud the efforts of the Planning Commission in their work on the VIR for Ouray County. They have carefully considered comments from diverse groups in working out revisions for the VIR, and I support their conclusions.

Thanks, Nancy Sanders

From: B Seelye WRA [mailto:bseelye@wraweb.com]
Sent: Wednesday, March 13, 2013 8:20 AM
To: mcastrodale@ouraycountyco.gov
Subject: Strongly Support Visual Impact Regulations

Mark,

This email is to inform all concerned parties that I am strongly in support of the newly proposed Visual Impact Regulations. The BOCC tasked the Planning Commission to undertake the effort to review and update the regulations and they have done an excellent job incorporating the needs and concerns of those impacted. While there is no perfect solution, they have simplified the regulations incorporating additional visual impact corridors which should help increase the value of our existing real estate and is much fairer to all parts of the county. The Ouray County Master Plan requires regulations and these are an improvement to the existing regulations.

Barbara Seelye
11 Canyon Dr
Ridgway

From: Barbara Steele [mailto:barbstele13@cox.net]
Sent: Wednesday, March 13, 2013 11:11 AM
To: mcastrodale@ouraycountyco.gov
Subject: Visual Impact Guidelines

As a voter in Ouray County I am urging the BOCC to support the new visual impact guidelines! The scare tactics used to frighten people about their property values just don't add up. If we do not use these sensible measures to protect our pristine and unique surroundings, we are setting ourselves up to lose our most valuable asset. Of course realtors, architects and miners are going to be against them. They see their benefit by having no restrictions so that they can promote any type of development. That is not in the best interest of the majority of us who originally bought our properties and, in many cases, followed visual impact guidelines gladly, exactly because of the natural beauty we are so lucky to have. We can never go back if greed and fear guide us in our stewardship of this amazing county.

Thank you for your consideration,
Barb Steele

From: Helen Olivier [mailto:bobandhelen@bobandhelen.com]
Sent: Wednesday, March 13, 2013 11:39 AM
To: mcastrodale@ouraycountyco.gov
Subject: Support Revisions visual impact

Dear Mr Castrodale,

I would like to urge you to support the revisions to the Visual Impact Regulations. Ouray County is just too beautiful to let it go the way of so many areas. We rely on visitors for much of our economy. Lets keep it beautiful. The revisions are very reasonable and not hard to comply with for the benefit of everyone.

Thank you very much.

Sincerely,

Bob and Helen Olivier
351 McNulty Lane
Ouray CO, 81427
970-325-4116

From: Coulter, Sara

Sent: Tuesday, March 12, 2013 11:03 AM

To: mfedel@ouraycountyco.gov; dbatcheldor@ouraycountyco.gov; lpadgett@ouraycountyco.gov

Subject: Revisions to VIRs, letter

Dear Ouray County Commissioners,

Attached and below is a letter that I sent earlier that I am offering again here because it is my impression that a lot of inaccurate information is circulating about what is actually in the proposed revisions, and that as a result, you are being overwhelmed with objections based on misrepresentations.

I attended the first public hearing of the planning commission and was surprised by the inaccuracy, sometimes irrelevance, and occasional comedy, of the more extensive presentations representing real estate, mining, and Wolf Cattle et al. The individual citizens who spoke seemed to have more relevant and sincere questions that should be answered when possible.

Land use issues and codes are complex and easily misunderstood or distorted. I look forward to your discussion of these issues.

Sara Coulter
Log Hill Village

ATTACHMENT:

DATE: 2/25/13

TO: Ouray County BOCC

FROM: Sara Coulter, Log Hill Village

SUBJECT: Visual Impact Regulations Revision

Dear BOCC,

I urge you to approve the modest revisions to the Visual Impact Regulations that have been proposed by the Planning Commission after three years of careful consideration and public discussion. The future of Ouray County for everyone, old and new residents—ranchers, miners, farmers, retirees, young families, real estate and construction companies, teachers, businesses--depends on preserving what has made Ouray County special throughout its history.

It is not an accident that people of great wealth have chosen to buy large ranches here when they literally could have chosen anywhere in the US and world. At the same time, Ouray County is not a place of trophy homes and gated communities. It has room and opportunity for a variety of income levels, jobs, and interests. The County Master Plan, achieved with much public discussion and careful thought, by those who preceded you in your custodial role, recognizes the unique values of the area and has achieved an enviable balance among diverse stakeholders. It is now your turn to see if you can preserve what they have accomplished and make your contribution to preserving the unique scenic, economic, and social benefits that make Ouray County the envy of all who visit here. There are many personal stories of why people decided to stay or move here, but I will share mine and my late husband's, as evidence of how special Ouray County is. We both knew Colorado well. Will was born and raised in Denver and was an avid mountain

climber. He attended Ft. Collins and then CU for a Ph.D. I attended Colorado College and then CU for a PhD, where we met and were married. In 1966, we moved to Baltimore where we remained in our careers until 1999 when we moved to Log Hill. During all of that time, we spent our summers in Colorado with our three young daughters, usually camping and hiking with the Colorado Mountain Club. Even though we knew Colorado well, when it came time to retire, we drove the whole state, carefully examining possible retirement locations. We thought we wanted a college town, and we visited every one of them. We considered Montrose, even rented a small house there for a month to see what it would be like to live there. But, finally, Ridgway and Ouray County won our hearts. Why? Obviously, its spectacular scenery, but also its stability—its economy is not built only on tourists, although they are important. Its relatively moderate climate—snow, yes, but not so much that getting out is a problem, and summer without air conditioning is wonderful. The bonus that we had not expected is the wonderful community of people committed to preserving the area and to taking care of all of its citizens. The citizens of Ouray County come from very different backgrounds and experiences, but they have a common interest in getting along and contributing to the betterment of the community.

I am now a widow and suddenly aware of how many widows we have in the community. What is interesting is that they do not leave in spite of the increased burden of maintaining homes by themselves and families urging them to move back with them. Only declining health will result in their departure. Ouray County cannot be found elsewhere.

You have inherited a legacy; you will leave a legacy. Preservation is a long-term goal that requires the contribution of each generation and of each BOCC. I urge you to contribute to maintaining the goals of the Master Plan and to preserve this uniquely special county by approving the VIR revisions, which is the immediate issue before you. Sincerely,

Sara Coulter
Log Hill Village

From: Judi & Dave [mailto:drdjcc@gmail.com]
Sent: Wednesday, March 13, 2013 8:44 AM
To: mcastrodale@ouraycountyco.gov
Cc: mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov
Subject: Visual Impact Regulations

Dear Mr. Castrodale,
Please find attached a letter in support of strong visual impact regulations.

Thank you for your consideration.

Sincerely,
Dr. Judith Chamberlin
700 Sabeta Dr.
Ridgway, CO 81432

ATTACHMENT:

12 March 2013

Mark Castrodale,
Ouray County Land Use Department
mcastrodale@ouraycountyco.gov.

Dear Mr. Castrodale,

I am writing to express my support for strong visual impact regulations and to thank the dedicated committee of volunteers who revised them.

I am a new resident to Ouray County. My husband and I first visited in September 2012 and were so taken with the beauty of the county and the foresight of county officials, that we purchased a home in Solar Ranch neighborhood of Ridgway in December 2012. Having spent a year and a half searching Oregon, California, New Mexico and the front range of Colorado, we were happy to finally find a pristine location with residents who recognize the importance of protecting their beautiful surroundings for future generations. We spent hours reading Ridgway's long-term planning documents and the County Master Plan and found that they outline a vision of smart growth and environmental protections – in marked contrast to the urban sprawl we found in much of the west. Satisfied that our sizable investment would be protected, we moved forward with the purchase of our home, where we live full time.

While I appreciate the fear of change on the part of some county residents, I strongly urge the Board of County Commissioners to vote in favor of stronger and expanded visual impact regulations. Some of the most spectacular and heavily visited areas in the county are currently unprotected; every effort should be made to proactively protect the spectacular vistas, including Camp Bird Road and

Yankee Boy Basin. Inaccurate claims should not be allowed to negate the planning commission's tremendous efforts and sound recommendations.

Sincerely,

Dr. Judith Chamberlin
700 Sabeta Dr.
Ridgway, CO 81432

Cc: mfedel@ouraycountyco.gov, dbatchelder@ouraycountyco.gov,
lpadgett@ouraycountyco.gov

March 13, 2013

To: Ouray County Commissioners
Ouray County Planning Commission

Subject: Visual Impact Regulations

Sirs/Madams:

Some of you know me, some of you don't. Those of you who know me know I am a non-confrontational person. I have witnessed many changes in the years I have been here. Some good, some not so good. I have been a resident, land owner and builder in Ouray County for 17 years, and cannot sit idle any longer. I have been witness to changes in the Land Use Code many times over the years, sometimes seemingly arbitrary. It's time my opinion was heard.

As a resident with fine taste, I can honestly say I can think of only a handful of structures that need to be dozed over. Mostly because the owners treat their property like a junk yard. People who live in a covenant controlled development have Architectural Control Committees (ACC) to help aid owners/builders with what fits best for that development. Before anyone buys property in a covenant controlled development, they get a chance to see those ACC Regulations. The prospective buyers get to decide if they can live with those regulations. NOT THE COUNTY! Prospective buyers who have a chance to purchase/own property outside of any ACC or property that isn't strangled by covenants should be allowed to freely express themselves and build the home of their dreams. I truly believe it to be a great injustice for the county to tell anyone who isn't covenant controlled what color their house should be or where it should sit on the property. If an owner's dream house is purple with a yellow roof and a pink door, nobody has the right to tell them they have bad taste. It's all in the eye of the beholder, right? Another man's castle, right? When every residence doesn't blend into its surroundings, it's called diversity. It's what makes all of us different and Ouray County unique. I for one don't need every house to be cloaked with the blanket of invisibility so as not to be offended by what someone has built. I would say shame on you to anybody or group who thinks they wield that kind of authority.

As a land owner, I have no problem adhering to the current code. I live in a covenant controlled development now. The restrictions imposed on me then were difficult enough without the County imposing even more on me. But I

was aware of those restrictions and chose to build there regardless. I have enjoyed buying, improving and selling real estate in the County. I can honestly say, with the new restrictions being considered, those days are probably over. The passing of these new regulations are going to have a great affect on my belief that any available real estate can become profitable. I also own a 40 acre property that has no covenants. I have plans drawn, ready to submit for permits when the time is right. I know exactly where that house needs to go on that property to make it more valuable to a prospective buyer. You cannot imagine how furious I will be when I am told I have to make changes. And if you don't think those new regulations could affect my property value, you're sadly mistaken. The same holds true for anyone wanting to build in the County. Think of how many people bought land here years ago to build their retirement home on. These people more than likely will be on fixed incomes. And you're going to have to tell them there is a new VIC that they have to honor. Guaranteed, some won't be able to afford to build. Probably have to sell their dream lot. At a loss. No honor in that.

As a builder, I can tell you clients aren't out there knocking down the doors. Not a good harbinger for people of our profession. Face it. Ouray County is a poor County. This is not Telluride! WE are not Telluride! Ouray County is closer to being more like Montrose than Telluride. Is it the intention of the Planning Commission and County Commissioners to impose more onerous restrictions on builders and homeowners? Like Telluride? All that's going to do is stifle growth.

There are a lot of people here who are either a realtor or in the construction trade. What industry do you think this is going to affect the most? Who are you catering to? What was the genesis for all of this anyway? Who wanted to be the last person to move here?

I don't understand the sentiment or rationalization behind adding so many more roads and restrictions to the Visual Impact Code. Is it really necessary to protect every square inch of a road from seeing a rooftop break the skyline? Even if only for a few seconds, literally? Really? Roads go on for miles. And to say someone is in violation because someone could see a rooftop for 5 seconds is ludicrous. It's overkill. It's extremely unfair and unreasonable. I have been in town many times and looked up at the ridgelines, day and night. The few lights I notice don't bother me one bit. And you can't see the few homes during the day unless you know to look for them. Turn it around. When I'm on the ridgeline looking down at the valley

and town, man are there A LOT of homes down there. Didn't think to screen them, did you? And the lights at night! Man are there A LOT of them! How many people complain about that and want that to change? See how carried away this could get?

I think it's a turn in the wrong direction for the County to act as the ACC for the entire County. It sends the wrong message. Let people be creative. Let their diversity shine. No new restrictions. It hasn't been a major issue in the past, and I doubt if it will be in the future.

That being said, I would like to submit some ideas for our new slogan on the signs when you enter Ouray County. They include:

Welcome to Ouray County. We're Anti-Growth
Welcome to Ouray County. Stay, Play and Go Away
Welcome to Ouray County. Hope You're Just Looking

My personal favorite:

Welcome to Ouray County. Don't Let The Door Hit You In The Ass On Your Way Out

Respectfully Submitted,
Fred Jossi

-----Original Message-----

From: "Steve and Claudia" <wolff2@montrose.net>

Sent 3/13/2013 2:04:23 PM

To: mcastrodale@ouraycountyco.gov

Cc: lpadgett@ouraycountyco.gov, mfedel@ouraycountyco.gov,
dbatchelder@ouraycountyco.gov

Subject: Support for Visual Impact Regulations

March 13, 2013

Mark Castrodale – Ouray County Land Use Dept.

As residents of Ouray County for almost 20 years, we support visual impact regulations and the changes proposed by the Planning Commission.

We moved to Ouray County in 1993 after a long search for a unique and beautiful rural area with great outdoor recreational opportunities. By the time we moved here, we knew that it would be very difficult to find any other place within Colorado with as much rural charm and pristine beauty as this area. Having previously lived in the Denver area, we had checked out rural areas throughout the state. Initially we moved to Pagosa Springs and searched for a suitable property/home to buy near Pagosa Springs or Durango. We became disillusioned with the hodge-podge development within the Animas Valley and the commercial developments lining the highways leading into Pagosa Springs. Obviously neither of these areas had a strong Land Use Code with Visual Impact Regulations like Ouray County.

It is a tribute to Ouray County's strong Land Use Code with Visual Impact Regulations, that Ouray County still has the same rural charm and pristine beauty that we saw almost 20 years ago. In order to help protect our high quality of life and property values for the future, it is more important than ever to expand and improve Visual Impact Regulations. Three years ago we, we voiced our support for better Visual Impact Regulations through a County Commissioner Survey and through individual e-mails to the County Commissioners. We have **not** changed our minds since then, and we hope that the County Commissioners are still willing to improve and expand the Visual Impact Regulations.

Steve and Claudia Wolff
196 N. Juniper Rd.
Ridgway, CO 81432

-----Original Message-----

From: "Gail Jossi" <gjossi@hotmail.com>

Sent 3/13/2013 10:23:08 PM

To: mfedel@ouraycountyco.gov, dbatchelder@ouraycountyco.gov, "Lynn Padgett" <lpadgett@ouraycountyco.gov>

Subject: Visual Impact Code Changes

Dear Commissioners Batchelder, Fedel, and Padgett;

The February 26, 2013, public hearing yielded a number of speakers from the membership of ROCC with a single emotional reason to create an extensive and discriminatory overhaul of our current land use codes (specifically Section 9). Obviously believers in more intrusive solutions here in our small rural community, this group of primarily new immigrants had no clear understanding of what the costs would be to impose these new regulations, nor what the unintended legal consequences could be if these regulations are adopted, nor any appreciation of how these would burden families resident for generations in our community. They displayed no rational limits to emotion and it appears they'll continue to push forward with little to no factual evidence to back up their claims. Again, they had put feelings ahead of reason. Attempting to create a utopia here in Ouray County, the membership from ROCC and other like-minded groups, worked to create a melodrama to flame populist passions for the ends to justify the means at any cost.

Prior to the hearing, someone calling him or her self, "Citizens Against Visual Impact Blight" produced a slick postcard in favor of these proposed changes. Apparently, "CAVIB" joined with ROCC to promote their own "panic-peddling" of misleading information to unsuspecting property owners in Ouray County. As a result of their mailing, inaccurate information is now in the hands of Ouray County property owners and the facts about Section 9 have been lost to many. Critical decision-making is in your hands: to sort through the emotions, and to find the facts.

Thank you,

Gail M. Jossi and family

-----Original Message-----

From: "Roger Pinyan" <tesoro@montrose.net>

Sent 3/13/2013 5:32:53 PM

To: dbatchelder@ouraycountyco.gov

Subject: Code changes

Mr. Batchelder,

I want to go on record as a resident of Ouray County who fiercely opposes the Stalinistic changes proposed by the Ridgway/Ouray Community Council members who dominate the Ouray Planning Commissioners at this time. At the public meeting in late March, all I heard were new residents of 10 years or less in support of this crap!!

This isn't the only county in Colorado that has this problem...new residents, wanting to bring their socialist political agenda with them to rural Colorado!! Tell them to go back home, I say!! We have a very good, comprehensive Land Use Code at this time, and we don't need "newbies" bringing outside political influence to our great county!!

Roger Pinyan
2657 County Rd. 22
Ouray County

QUESTIONS for the Planning Commission
Public Hearing on Section 9 Visual Impact Regulations
26 February, 2013 - 11 March, 2013

From public comment during 26 February, 2013 hearing

1. Craig Jackman
 - a. Are structures for agriculture excluded?
 - b. Is "primarily used" too high a bar?
2. Ethan Funk
 - a. Are utilities excluded? If not, why not?
3. Steve Martinez
 - a. How long has each PC member served on the PC?
 - b. Can he trust us?
4. Roger Renyon
 - a. Which of the PC members are ROCC members?
 - b. What is the influence of ROCC on your position?
5. Kathy McGillum
 - a. Why was protection of property values removed from Section 9.1 Purpose?
6. Tom Sylvester
 - a. What is the definition of an accessory structure?
 - b. Does it exclude all the structures necessary to operate a mine, including dwelling units for employees?

From written public comment up to 11 March, 2013

1. Robin Gregory
 - a. Why are there not more property rights advocates on the planning commission?
2. Phil and Teri Blackford
 - a. Aren't there more compelling issues that need your attention?
3. Janet Pritchett
 - a. Has the PC reviewed the most problematic building permit requests and tested them against the proposed revisions?
 - b. Has the PC considered the possibility of a lawsuit, the likelihood of winning a lawsuit and the cost of a lawsuit?
 - c. Did the PC consider wind and solar farms throughout the county? Is documentation available?
 - d. Have the changes been planned or are these the first thoughts on this issue?