

**EXHIBIT C1 – WRITTEN PUBLIC COMMENTS**

**Written Comment to be read into record:  
(All written comment received up to 2:00pm on February 26, 2013)**

- 1) Tom McKenney – Email on February 19, 2013
- 2) Jon and Rosemary Esty – Email on February 18, 2013
- 3) Jennifer Parker – Email on February 17, 2013
- 4) Linda Hanson – Email on February 17, 2013
- 5) Scott Williams – Email on February 19, 2013
- 6) Rozanne Evans – Email on February 19, 2013
- 7) Robert Green – Email on February 19, 2013
- 8) Jane Pritchett – Email on February 21, 2013
- 9) Don Paulson – Email on February 20, 2013
- 10) Jon Guenther – Email on February 18, 2013
- 11) John Baskfield – Email on February 22, 2013
- 12) ROCC, from Roze Evans – Email on February 23, 2013
- 13) The Becker Lister Family LLP – Email on February 23, 2013
- 14) Randy and Liz Loftis – Email on February 24, 2013
- 15) Phil and Teri Blackford – Email on February 22, 2013
- 16) Al Ewing – Email on February 24, 2013
- 17) Sara Coulter – Email on February 25, 2013
- 18) Jane Ross – Email on February 25, 2013
- 19) Barbara Steele – Email on February 25, 2013
- 20) Jerry Roberts – Email on February 25, 2013
- 21) Robin Gregory – Email on February 25, 2013
- 22) Ray Cozzens – Email on February 25, 2013
- 23) Kay Lair – Email on February 26, 2013
- 24) Robyn Cascade – Email on February 26, 2013

**From:** Robyn Cascade [mailto:casbyn813@gmail.com]  
**Sent:** Tuesday, February 26, 2013 12:36 PM  
**To:** mcastrodale@ouraycountyco.gov  
**Cc:** mwhitmore@ouraycountyco.gov  
**Subject:** letter of support for revised VIR

Dear Mark,

Please find attached my letter regarding the revised Visual Impact Regulations. Please add it to the public record.

Thank you,  
Robyn Cascade

**Attachment:**

575 Sabeta Drive  
Ridgway, CO 81432

February 26, 2013

Dear Members of the Planning Commission and Board of County Commissioners,

I am writing to express my support of the revised Visual Impact Regulations. I am in favor of the inclusion of additional county roads and the modifications to the existing regulations. I am keenly aware that the scenic beauty of Ouray County and its breathtaking vistas are our county's greatest asset. Residents, like me, move here and remain here (in spite of some challenges) to enjoy this beauty. Visitors vacation here to behold our majestic landscape and live amidst it even if temporarily. Our economy depends on this tourism and our recreational opportunities.

The revised Visual Impact Regulations are consistent with the requirements of the Ouray County Master Plan, and in fact, provide clarification (lacking in the current regulations) as well as greater flexibility for owners and designers. These updated regulations are more likely to result in achieving the intent of the Master Plan and protecting our county's scenic beauty.

I appreciate your service to our county and urge you to vote in favor of the revised regulations. Thank you for your consideration.

Respectfully,

Robyn Cascade

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

From: LAIR Photography [<mailto:klair@ouraynet.com>]

Sent: Tuesday, February 26, 2013 11:30 AM

To: Castrodale Mark

Subject: Input for Public Hearing Tonight

Hi Mark,

Please include the attached letter in the record of input for tonight's public hearing with the Planning Commission.

Thank you,

Kay Lair

**Attachment:**

February 26, 2013

Kay Lair  
K. Lair Interior Design  
3219 Pleasant Point Drive  
Ridgway, CO 81432

Dear Members of the Planning Commission:

While I will be attending the public hearing tonight, I will not be standing up to speak. Therefore, I would like to submit my statement to you in writing.

As an interior designer who has worked closely with many clients in this county for the past 20 years, I can assure you that every one of them has relocated to Ouray County, first and foremost, because of its unrivaled scenic beauty. They have all located their houses and centered their design elements around maximizing their views of the surrounding landscape.

As the county grows, and each homeowner wants his own views untainted, it is critical that we all work together to set back and blend our structures into this landscape so as to minimize their impact on everyone else's views. Most of my clients have been sensitive to this need and have realized that such cooperation benefits us all. But we cannot just assume that everyone will be so aware of this, which is why regulations are needed to protect everyone's interests.

Many of my clients who have moved here have discovered the area through the draw of its recreational opportunities. These are key to our local economy and

also rely on the minimization of the visual impact of growth and preservation of the natural beauty of the county.

I feel strongly that, while smart growth is important, preserving our pristine scenery and minimizing the visual impact of growth is of utmost importance to the economic wellbeing of the county. The minimal cost of implementing the proposed changes in the Land Use Code is far outweighed by the economic advantages they offer.

Finally, as a member of the Town of Ridgway's committee examining the need for commercial architectural design standards in the town, I know from personal experience the considerable time and hard work that a committee representing diverse interests dedicates to their task. Untold hours of research, discussion and compromise go into the process over the year (in my case) or three years (in the case of the Section 9 revision of the VIR). It would be a travesty if all of the PC's work and public input over these past years turned out to be to no avail.

Thank you very much for your consideration.

Sincerely,  
Kay Lair

**From:** Ray Cozzens [mailto:rjcozzens@hotmail.com]  
**Sent:** Monday, February 25, 2013 11:02 PM  
**To:** mcastrodale@ouraycountyco.gov  
**Cc:** Anne Devine; John Hollrah  
**Subject:** The Public Hearing on Feb 26

February 25, 2013

Dear Planning commission:

I am fully aware that a huge amount of work has gone into our VIR analysis over these past few years, and many years before that. I would like to state my position.

I've lived in Colorado since 1969 and on a state-wide family vacation in 1977, we discovered this beautiful part of the world. As a research engineer I was able to leave HP a little early in life and my wife and I decided to make this place (Pleasant Valley) home. First, however, we took off 6 or 7 years and toured 6 continents, including one three-month trip to specifically tour 8 mountainous states between Colorado and the Pacific Ocean and between Colorado and Canada searching for a home site.

In those 8 states, this little county won hands down for scenic beauty!! As an avid photographer and outdoors person I am really excited about the potential Ouray County offers!! Of the 6 continents we traveled full time, scarcely any could offer the scenic beauty in combination with nearly perfect weather, near-by skiing and endless photographic opportunity-with some of the best out our back windows and off our deck!!!

Granted, we live in one of the existing view corridors and are thankful for those with the foresight before our arrival to preserve these views. It is way beyond me that we would EVER EVER forgo this once in our planet's lifetime the opportunity to preserve this exceptional beauty throughout the county!!! Once it's gone, IT'S GONE.

As a sharp contrast to the success we've had so far in Ouray is the Winter Park area. They have skiing, they have Rocky Mountain National Park just to their east, they have Grand Lake nearby, they are surrounded by spectacular mountains and scenic beauty. Just go there for a day trip and look at some real estate and see how they have totally squandered their most precious resource...never to get back their potentially spectacular scenic beauty!!!

I would literally beg that we never consider repeating that. If each county road had VIR's, our property values and views would be preserved for all time. Why not??

Sincerely,

Ray Cozzens

**From:** Robin Gregory [mailto:robinggregory@yahoo.com]  
**Sent:** Monday, February 25, 2013 7:17 PM  
**To:** mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov  
**Subject:** Proposed Visual Impact Changes

All:

My name is Robin Gregory. My family are new to the county. Attached is my letter expressing my unhappiness with proposed visual impact changes. Please read.

Thanks for your attention to this matter.

**Attachment:**

February 25, 2013

Dear commissioners:

My wife and I purchased a property in the Park Estates Subdivision of Ouray County in July of 2009. Over the past 20 months we have been building a home on this property. Going forward, we expect to spend about half of our time here in the county.

I would like to take this opportunity to express my concerns regarding the proposed changes to the County's Visual Impact rules.

I became aware of the proposed changes while performing our due diligence prior to purchasing the aforementioned property. Since then, I have been following the dialog regarding these changes in the Plaindealer newspaper. Below I have listed several bullets detailing why I believe the proposed changes to be bad policy:

1. I believe that the existing rules have been quite effective in controlling the negative aspects of development in the county. I have visited Ouray and Ridgway several times in the past 30 years (mostly on bicycle) and everything looks very much the same to me as it always has. Yet, over this period Ouray county has experienced a fairly consistent year over year growth rate of about 2.5%. By this measure, Ouray County is certainly not booming. If the new normal growth rate for the overall economy is redefined to 2.5% from 4%, then I believe that Ouray County's future growth rate will fall, as well. The "Sky is not falling."
2. The real estate market in Ouray County is a very specialized, highly sensitive market and will not well absorb sweeping changes to the visual impact rules. By making wholesale changes to the rules you introduce uncertainty, you destroy all of the precedents that to date have created a predictable development framework, and you send a signal that individual property rights can be impaired with almost no due process. I cannot imagine that there are many owners of undeveloped properties in the county that are in favor of these changes. Unfortunately, these owners have almost no representation in this discussion. Since their properties are not developed, they may not currently live here and cannot possibly be fairly represented. We would have been one of those property owners had we purchased our property just a year or two earlier. Unfortunately, the people who sold us the property were exactly the kind of people who will be directly harmed by these changes. The rest of the taxpayers in the county (my wife and I included) will have to defend against the lawsuits these people will bring and will be indirectly harmed. In articles in the Plaindealer over the past few weeks that detail the chronology of Ouray's visual impact rules, one thing is very clear; every time the county so much as tweaks the rules, lawsuits follow. The changes being proposed are not simple tweaks. Whether intentional or not, some will argue that these changes are simply a way to promote a 'no growth' agenda... an attempt at back door condemnation to create open space with no due process. And the lawsuits will come from those who have the most to lose, those with the largest tracts of undeveloped land, those with the very deepest pockets. Whether or not the new rules are defensible there will be litigation costs.
3. These changes will harm property values rather than support property values. Here I can provide you with compelling empirical evidence... it's my family's story. We began looking at a property in late September of 2008. At the time, we were aware of Ouray County's current robust visual impact rules and did extra research to understand the implications for our purchase. We were able to confirm that our potential building sites would

be 200 ft beyond the 550 corridor and that we would be able to develop the property without regard to the counties visual impact rules. This was extremely important because the property is a 47 acre parcel in the Park Estates subdivision that has only 2 usable acres (bounded by power lines on 3 sides), all of it on a very prominent ridge overlooking the 550 valley. Over the years, because of the views and in spite of the power lines, this property had always been valued at a 30-50% premium over adjacent acreage. The property has absolutely no other value than the value associated with its views. At that time, we made a reasonable offer to purchase the property that was rejected. We were disappointed, but knew we had some leverage because the 4 month tourism season was waning and another prospective buyer would not see the property until the following June at the earliest. I point this out because it shows just how specialized and sensitive the Ouray County real estate market is. The following summer, in July 2009, the property was re-listed. At this time, we became aware of the proposed visual impact changes and determined that our negotiating position had improved considerably. We learned that the proposed changes might go into effect within 12 months. What did that mean? It meant the potential market for the property had just been reduced to buyers who could safely begin building within 12 months of purchase. We made another offer for 20% less than original asking price and purchased the property for \$20K less than we would have just 9 months earlier. The offer was accepted within hours. Had the proposed changes been in effect at that time, this property would have fallen within the new proposed county road 17 and 23 corridors and **we would not have purchased** the property. If that had happened, the eventual sale of the property would have been for a much deeper discount. The former owners would have lost much more.

4. I understand that one of the reasons the proposed visual impact changes are being touted as necessary is to promote/protect tourism. This is also a completely bogus premise. If the county wants to promote tourism, more people need to live here than fewer people. "If you build it, they will come". Summit County, Eagle County, Pitkin County, Routt County all have much more tourism than Ouray County. And, Why? Because there is more to do in those counties... year round. There is more to do because there are more people making important investments in those communities.
5. Ouray County's growth prospects are quite naturally choked back by the absence of year-round tourism that, to date, have only been achieved in mountain communities by having a destination ski resort close by (within a few miles). Ouray County's growth prospects are also constrained by the county's inaccessibility. The closest interstate highway and shopping mall is more than 80 miles away. Without a destination ski resort and better access, Ouray County's second home market will always be limited (we built our house here because, unlike most, we didn't want to be in a ski town). As a consequence, second homes in Ouray County are already smaller and fewer than in ski towns because there is much less rental opportunity to help defray second home ownership costs. Very simply, it costs much more to own a second home in Ouray County. As a consequence, Ouray County will simply not experience the same growth and visual impact as Aspen or Vail regardless of its spectacular views. I think of Ouray as I do Estes Park. Estes Park and Ouray are very similar except that Estes Park is next door to Rocky Mountain Nat'l Park, is only 2 hours from an international airport and is very accessible from several large front-range cities. Yet, Estes Park's growth is still relatively stunted. Why is this? It is because Estes Park does not have year-round tourism. It does not have a destination ski resort. Ouray County is not Summit County. Ouray County does not and will not have the kind of growth management problem that Summit County may have. Summit County's year over year growth is around 5.6% ... more than double Ouray County's growth. And, in Summit County, second homes account for a much higher percentage of overall building. The second homes are more numerous relative to the actual population and much larger which in turn makes them more visible... if in fact that is really a problem.
6. People who build houses here are the county's most important economic/tourism asset. These people spend more money in your county per capita than the occasional sightseer. Again, let me give you compelling empirical evidence... my family's story. We began the building process shortly after purchasing the property in the summer of 2009. We hired a local builder who convinced me to hire a local architect. The following summer we broke ground. Twenty months later we are now wrapping things up. Between the land purchase and construction costs, we have spent close to ... a lot of money building the house. Most of the sub-contractors working on the house live in Ouray County. That is not all. My family and I have also made dozens of trips (an average 2.5 trips per month) from our home in Golden to Ouray so that we could provide important input into the finished product. We have stayed at the Best Western, the Riverside Inn, the Ouray Chalet, the St Elmo, the Box Canyon Inn, and the Comfort Inn. We've also rented 2 different cabins (2 weeks) for a specialty work crew that came in from Denver. We've eaten breakfast, lunch and dinner at most of the restaurants in the county. We have gone on two jeep tours. And once we are moved in, our friends will come to visit and spend their money. After that, they will want to build a house here, too. That is good for everyone that lives here... everyone that may need a plumber, electrician, carpenter or stone mason to keep his home from falling into disrepair causing a whole different kind of blight.

7. I understand that another of the reasons for the proposed visual impact changes is to preserve property values. This is also a completely bogus premise. I have clearly shown the opposite is true using the example of our property purchase.  
The property value was not preserved, but impaired. Now, you may think that this does not affect you as an existing homeowner, but it does. The value of every property affects the value of every other property in the county. When you introduce changes like this that will negatively impact some properties, that impact will filter down to every other property. It will be reflected in lower appraisal values across the board. Lower appraisal values will make refinancing for existing homeowners even more difficult. Lower appraisal values mean lower sales prices for all homes.
8. Now, I'd like to talk briefly about the process and motivation behind all of these changes. I am scratching my head as to why county roads 17 and 23 have been added to the list of visual impact corridors. Those roads affect our parcel specifically. Which iconic views are protected by these additional roads that are not already protected by the 550 corridor? None. So I can only surmise that this is a veiled attempt to expand the 550 corridor to 2+ miles west from the current 1.5 miles. Also, I understand that there is 'grandfathering' language in the new rules. This leads me to believe that these rules are targeted at land owners who have yet to build. So if I understand, those who have benefited by the existing rules can now change them to the detriment of those who have yet to build... and have virtually no voice. I also see other literature that says everything built to date would have qualified even under the new rules. Which begs the question, "Why is all of this necessary?" Why do we need "grandfathering"? All of this makes me question the process to develop the new rules and those in control of it. In a county that is split right down the middle politically, how can the commission in charge of this process be so heavily weighted with those in favor of these changes. In such a balanced county I don't understand why there were not more advocates for the property rights of property owners as members of this commission. With these rules, those who don't own the property will have more to say about how a property is developed than those who own the property. The tail will be wagging the dog.

As I consider the proposed changes I can only assume that the property owners in the county cannot be trusted to develop their properties responsibly. Again, I don't believe this is so. Let me use our project one last time as an example. We could have built our house on the most prominent conspicuous portion of our 2 usable acres. After all, we were beyond any visual impact corridor. However, we decided that we could achieve most of what we wanted by making a couple of compromises. We moved the house back from the ridgeline 50 ft and moved the house to the saddle (low point) on the ridge rather than on the high point of the ridge. Let me repeat, "The sky is not falling".

I believe the county commissioner election results over the past few years confirm that the people who can actually vote in the county have serious misgivings about the proposed changes and the process used to develop the proposed changes. And, when you consider that property owners like my wife and I and many many others have no election input at all, I believe it clearly tips the scales in favor of keeping the current robust visual impact rules. Remember, each property owner bargained and negotiated for what they believed to be the value and compromises associated with the property they purchased. For an '*enlightened*' unelected few who don't own these properties to be able to redefine those bargains/contracts is very bad policy. The current rules have been forged, tested and proven effective for more than 30 years. Those rules have evolved very appropriately on a 'just in time/just enough' basis. That is good policy.

We expect to receive our C.O. this week. We will no longer be among the voiceless. Soon, we will be Ouray County voters.

Respectfully,

Robin, Katie, Charli and Cooper Gregory

**From:** Roberts Jerry [mailto:snowviewer1@gmail.com]  
**Sent:** Monday, February 25, 2013 2:19 PM  
**To:** mcastrodale@ouraycountyco.gov  
**Subject:** Visual Impact

To the People

I've lived in this county since the 70's and as many others have witnessed many changes. Some good & others not so good. I've gone to BCC and P&Z, Planning Commission meetings over this subject for many years. I understand points on opposing sides, but definitely side with and support what the Planning Commission has proposed. Tourism is here to stay and helps feed the economic engine of the county which requires the existence of the remaining natural beauty of Ouray County.

I don't feel that codes, laws and philosophies that promote this ethic of maintaining Ouray County's beauty is too restrictive or harsh. I believe in the greatest good for the greatest number. I support adopting the Planning Commission recommendations.  
Thank you.

Jerry Roberts

**NEW T:** 970.316.3738  
**NEW E:** [snowviewer1@gmail.com](mailto:snowviewer1@gmail.com)

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

From: Barbara Steele [mailto:barbstele13@cox.net]

Sent: Monday, February 25, 2013 10:02 AM

To: mcastrodale@ouraycountyco.gov

Subject: Visual Impact Proposal

I am not able to attend the hearing this week, but I do want to express my support for the visual impact proposal. I was visiting the Bluegrass Festival in 1995 and drove through Ouray County as part of my vacation. The beauty was so unparalleled that I had to return. When I was able to return 2 years later I bought 4 acres and built a home in Pleasant Valley. I have been a voter and taxpayer ever since. When I built my house I was happy to comply with the height and view rules because I did not want to destroy the beauty for myself or others that might visit. It is really an honor to participate in the stewardship of this amazing place. Since building I have had many guests come and spend their vacation budgets in our County. They do so because of the unspoiled views and pristine environment for hiking, fishing, rafting, hunting, snow shoeing and cross country skiing. Two even ended up buying homes here and continue to value our unique setting.

It has always been amazing to me that so few areas and county roads have any protection for the greatest financial asset we possess! We really need to think about the potential damage to the value of our land and vacation dollars spent here if we cannot put in place reasonable regulations on the visual impact of building and development going forward. Just as I didn't mind following the guidelines, I don't think those that value and profit from our amazing panorama should protest the protection of our most valuable asset. Much work and cooperation have gone into the proposal to make it reasonable and fair. Some have used scare tactics to create fear about an over controlling government body determining our every choice in building.

That is simply not the case with this proposal and I am concerned about the motivation of those that try to stimulate the fear.

Please support this proposal for the benefit of us all!

Thank you,

Barbara Steele

**From:** Jane Ross [mailto:janeross@ouraynet.com]  
**Sent:** Monday, February 25, 2013 11:55 AM  
**To:** mcastrodale@ouraycountyco.gov  
**Subject:** Input for Feb. 26 VI meeting.

To Whom It May Concern:

This is a letter to express my support for the Visual Impact study recommendations. I have lived in Ouray County nearly twenty years. The stunning beauty brought me here and has remained one of the reasons I cherish where I live. I want, collectively, for this to be protected to the greatest possible degree. The price of this cannot be quantified, it can only be preserved as best as possible by us citizens. The reasonable Land Use Code proposals, from the extensive work of over three years, to protect our irreplaceable surroundings are critical. All property, along the main byways as well as where we live, must be protected from anything that would take away from the extreme beauty of our natural surroundings. I am therefore for the protection of our area by the Visual Impact study proposals.

Thank you for your consideration of my opinion.

Respectfully submitted,

Jane Ross  
Citizen/Resident of Ouray County

**From:** Coulter, Sara [mailto:SCoulter@towson.edu]  
**Sent:** Monday, February 25, 2013 9:32 AM  
**To:** mcastrodale@ouraycountyco.gov  
**Subject:** Letter BOCC re VIR regs.

Hi Mark,  
Attached please find my letter to the BOCC regarding the revisions to the Visual Impact regulations.  
Thank you,  
Sara Coulter  
Log Hill Village  
626-4496

**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

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

From: Al Ewing [mailto:al@virtu-al.com]  
Sent: Sunday, February 24, 2013 6:05 PM  
To: lpadgett@ouraycountyco.gov; mfedel@ouraycountyco.gov;  
dbatchelder@ouraycountyco.gov; tim@currinproperties.com;  
klipton@ouraynet.com; klipton@ouraynet.com; rischbk@gmail.com;  
s\_swilliams2001@yahoo.com; md\_case@mac.com; jbaskfield@gmail.com  
Subject: Re: PUBLIC HEARING Feb. 26, 2013

Dear Commissioners,

Attached is our comment re the proposed changes to Sec 9 of the OCVIC. We are unable to attend the hearing and would like for this letter to be read and entered into the public record at the hearing on Feb. 26, 2013.

Thank you for your consideration,

Al Ewing  
(970) 249-5580

**ATTACHEMENT:**

To: Ouray County Planning Commission  
Ouray County Commissioners

Re: Proposed changes to Ouray County Visual Impact Regulations/Public Hearing Tuesday, February 26, 7pm.

Dear Commissioners:

Unfortunately, we are unable to attend the above-referenced public hearing. Please include this communication as part of said public hearing and public record. Thank you.

We have been full-time residents and property owners in Ouray County for over 40 years, with family roots going back to the 1880's. We care a great deal about preserving the scenic vistas that make our county beautiful.

A great deal of time and thought has obviously gone into the proposed revisions to the Ouray County Visual Impact Regulations (OCVIR). We would like to extend our appreciation for the time and energy expended thus far. However, while many of the proposed amendments to the current OCVIR are necessary, we are strongly opposed to adoption of the entire proposed OCVIR (POCVIR) as it stands today, due to the following concerns:

- 1) Unnecessary costs to the taxpayer and/or unnecessary burdens on the County Land Use Staff.
- 2) Situations where the POCVIR may create harm to individual property owners, without benefit to the county as a whole and without meaningfully furthering its own goals.

We therefore request your consideration of the following constructive suggestions:

### POCVIR Sections 9.2 B.5 and B.6

**Remodels, additions, reconstructions:** While it is essential to allow nonconforming structures to be remodeled, added onto, or rebuilt, expressing allowed expansion or enlargement as a percentage (20%) of the existing structure should be revisited. Otherwise, a 6000 square foot house may potentially add 1200 square feet, while a 1000 square foot house may add only 200 square feet – an obviously anomalous result that is unfair to the owner of the more modest property, and contrary to the goals found elsewhere in the POCVIR.

### POCVIR Section 9.3 A

**Roads:** Some of the county roads listed do not meet necessary/appropriate criteria for major Visual Impact Corridors: (See Addendum).

We suggest that county roads that meet all of the following criteria be either removed from the list, or designated as “Minor Visual Impact Corridors.”

- a) Roads that are minor, non-arterial, dead-end roads.
- b) Roads generally used only by local residents.
- c) Roads that provide NO public access to public lands.
- d) Roads that are unimportant for recreational tourism.

### POCVIR Section 9.3 C.5

**Screening:** The POCVIR illustrations and descriptions involving viewing windows typically represent wooded areas. More consideration needs to be given to those areas of the county without such natural screening. A structure may be most or *only* visible from a Minor Visual Impact Corridor in an area without much natural screening, while still being well-screened or invisible from major Visual Impact Corridors. In such cases, more mitigation points should be added.

### POCVIR Section 9.3 D

**Skyline:** There are at least two houses at the north end of Log Hill Mesa that are not visible at all from Hwy 550, yet still break the skyline entirely when viewed, within the 1.5 mile viewing window, from a few short sections of a Minor Visual Impact Corridor (as defined above). This seems unreasonably restrictive, since such glimpses of skyline breakage seen *only* from such minor roads have little relevance to the overall goals of the POCVIR.

Thus the following exception should be added:

(4) Where the structure does not break the skyline from any viewing window located along a major Visual Impact Corridor, it may break the skyline from one or more brief sections of a viewing window located entirely along a Minor Visual Impact Corridor. Such skyline breakage shall not, however, be seen from the entirety of any viewing window, unless the viewing window on the Minor Visual Impact Corridor is less than 500 feet.

### POCVIR Section 9.3 D (3)

**Skyline/where no building site exists:** There should be no circumstances under which a legal building site, lot, or 35 acre parcel, cannot be developed at all, nor where skyline requirements alone would cause the only building site(s) to be otherwise extremely unsuitable for development.

For example, where the only allowed building site(s) are:

- a) On an extremely steep slope
- b) In a wetland
- c) Unreasonably interfere with irrigation systems
- d) Unreasonably rob the property owner of any view at all, when views would otherwise be possible
- e) Create more visual impact to neighbors than the site(s) allowed by this Section.

POCVIR Section 9.4

**Variance:** There should be adequate process to grant a variance in situations where the spirit of the POCVIR is being met to the best ability of the property owner, yet said property owner cannot meet the letter of the POCVIR without demonstrable hardship.

**Property Values:** While the POCVIR has removed any reference to property values from Section 9.1, respect for property values is still essential. Government policy should not casually diminish one person's property value, while enhancing another's, without very strong compelling public interest.

Farmer and ranchers often depend on property values for operating capital and future security. Their concern for property values should not be confused with intention to develop. Yet neither should their long-term stewardship of the land be penalized by disdain for their retirement or other needs.

For the average citizen, the market value of their home is a major component of net worth. Confidence in property values brings not only peace of mind and economic benefit, it also encourages care of properties. Therefore, concern for protecting property values is a social good.

Non-residents as well as current citizens own vacant land in Ouray County. Many non-resident owners have faithfully paid property taxes on vacant parcels for years, while planning their dream home. From simple fairness, their interests also deserve our protection, as do the jobs and revenue they bring to our county.

Thank you.

Signed this February 24, 2013:

Mr and Mrs Alvin L. Ewing  
1111 County Road 906A

Mr and Mrs Richard Collin  
1260 County Road 906

## Addendum

### **1. Justification for Addition of Roads:**

- a) In Exhibit A, Section 1 of the Board of County Commissioners Resolution No. 2010-045, recorded 11/02/2010, criteria like “direct access routes to public lands” and “important for recreational tourism” were listed for determining whether adding particular roads was *“appropriate/necessary”*(italics ours). **The County Commissioners did not suggest that all numbered county roads be included as new view/visual impact corridors.**
- b) In the Report from the Planning Commission to the Ouray County Board of County Commissioners, referencing workshops from January 4, 2011 to February 7, 2013, the addition of more roads as Visual Impact Corridors is justified as follows: **“Added those county roads that have similar characteristics as roads already designated as Visual Impact Corridors.”**
- c) In the “FAQs” mailed out by the organization “Citizens Against Visual Impact Blight” the POCVIR is described as **“Adds roads ... including the Camp Bird Road and other high country routes, that rank as important as existing corridors based on scenic vistas, development potential, types and amount of use, and access to public lands.”**
- d) Generally, only highly visible roads leading to public lands, like Camp Bird and Yankee Boy, are of concern to members of the public wishing to add more visual impact corridors.

**Yet the POCVIR includes roads that meet none of the above criteria.**

**There is no compelling public interest that justifies including such large numbers of county roads, however minor, in situations where they are obviously not as important as existing Visual Impact Corridors.**

### **2. Reason for concern:**

**“First, do no harm.”** No regulation regarding the use of private land should be adopted without certainty that it creates more benefit than harm to both the County and the individual citizen. Ouray County has a limited revenue base. There are often insufficient funds for essential services like road maintenance. Harm is always created when *unnecessary* regulation, in the absence of compelling public interest, must be enforced and paid for:

- a) For every road *unnecessarily* included as a “view/visual corridor,” County Land Use Staff time and county funds are wasted.
- b) Land Use Staff must log extra miles to examine a network of expanded viewing windows, even when they contribute nothing toward the overall goals of the POCVIR.
- c) County Land Use Staff must spend extra time examining unnecessarily affected plans for compliance.
- d) Any improvement/remodel/reconstruction/new structure that incurs *unnecessary* extra cost, or is *unnecessarily* affected or delayed by inappropriate regulation, creates potential harm to the general economy in its ripple effect on construction jobs and sales taxes.
- e) Every landowner that must provide mitigation plans *in cases where they are irrelevant to the overall goals of the POCVIR* spends both time and money for no justifiable reason.

**Therefore, inclusion of unnecessary/inappropriate roads creates harm to the individual citizen, cost to the general taxpayer, and strain on the county budget, with no discernable benefit to anyone.**

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

From: blackfordweld [<mailto:blackfordweld@earthlink.net>]  
Sent: Friday, February 22, 2013 10:32 PM  
To: mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov;  
lpadgett@ouraycountyco.gov  
Subject: Section 9 Revisions

To Ouray County Commissioners,

My husband Phil Blackford and myself will be out of town on Feb 26, 2013. We want to go on record, again, regarding our opposition to any Visual Impact Regulations for Ouray County. The purpose of government is to be as unobtrusive as possible while providing vital services to citizens. It seems that the years of meetings and studies has not provided any worthwhile outcome regarding visual impact. Aren't there any more compelling issues that need your attention? The location, size and color of my dwelling is really not anyone else's business nor should it be.

Sincerely,  
Phil and Teri Blackford

----- Forwarded Message -----

**From:** Randy Loftis <[randyandliz@yahoo.com](mailto:randyandliz@yahoo.com)>

**To:** "mfedel@ouraycountyco.gov" <[mfedel@ouraycountyco.gov](mailto:mfedel@ouraycountyco.gov)>

**Cc:** "dbatchelder@ouraycounty.gov" <[dbatchelder@ouraycounty.gov](mailto:dbatchelder@ouraycounty.gov)>;

"lpadgett@ouraycounty.gov" <[lpadgett@ouraycounty.gov](mailto:lpadgett@ouraycounty.gov)>

**Sent:** Sunday, February 24, 2013 2:34 PM

**Subject:** Section 9 of the Land USE Code

Dear Commissioner Fedel,

We are writing to express our concerns regarding the proposed changes to the Land Use Code.

First, we would like to thank you, Commissioner Batchelder and Commissioner Padgett for your efforts to deal with this issue in a fair and balanced way.

My wife and I agree with those who wish to preserve the beauty and unspoiled nature of our mountains and open spaces, but, not without some consideration for the private property owners. As owners of a home and an undeveloped lot on the Camp Bird Road, we see the proposed changes as being detrimental to the value of our property. If we cannot build a home on our platted lot, without the home being seen from Camp Bird Road, then the property value is greatly reduced. If we cannot rebuild our existing home, in the event it were destroyed, it's value is diminished as well.

We understand that we, and others like us, are in the minority. As such, we don't expect to win any arguments. We just ask that the use of our property not be taken from us without compensation.

Respectfully yours,

Randy and Liz Loftis  
3202 County Road 361  
Ouray, CO 81427

15739 Bonanza Road  
Justin, TX 76247

817-229-3521

**From:** Josephine Lister [mailto:jol720@gmail.com]  
**Sent:** Saturday, February 23, 2013 8:42 PM  
**To:** mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov  
**Subject:** Section 9 of visual impact regulations

Dear Commissioners:

Another letter protesting the changes in the visual impact regulations. Surprise, Surprise, Surprise!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

How would you like to own property for generations and contribute to the tax base for almost hundred years in what you thought was a just republic in the 'United States and one day you realize that government has adopted the same policies as RED CHINA!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

What possesses government, tax paid, employees to apply rules and regulations that will create undue hardship on the people who own property and work diligently to maintain it. Your proposal will make it nearly impossible to sell, restore or remodel privately owned structures in the corridor. Property values will decrease and obviously taxes will have to follow the depreciation. Why don't you find something more constructive to do with the taxpayers' money? The current number of roads does need to be altered nor the regulations. We are in the country not a big city like in California!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Let's do something positive, not destructive to the taxpayers and their land.

Sincerely,

The Becker Lister Family LLP  
12 Old School Rd  
Ridgway,. Co 81432  
425 905 8774  
Josephine F Lister  
William L Lister  
Michelle Lister Becker  
Theodore J Becker  
Massimo J Becker

**From:** John Baskfield [mailto:jbaskfield@gmail.com]  
**Sent:** Friday, February 22, 2013 1:30 PM  
**To:** Mark Castrodale  
**Cc:** bsampson@ouraycountyco.gov; Martha Whitmore  
**Subject:** Re: Comments

Hi Mark/Bryan,

I am sorry I will not be able to attend the public hearing this Tuesday. Attached is a brief statement which I hoped would be read-aloud at the hearing.

Thank You!

**Attachment:**

Statement for Ouray County Planning Commission Public Hearing: Feb. 26, 2013

My name is John Baskfield. I am a local architect who has been involved in the process of section 9 revisions for 2 years as the 2nd alternate on the planning commission.

I believe our scenic vistas are of utmost importance to Ouray County and I am a strong supporter of regulations to protect them. I also sincerely believe everyone who has contributed to this process have done so with good intentions. I am, however, opposed to this revision of section 9.

This is a very complex, technical issue. In my experience, the vast majority of county residents do not have enough free time to spend the many hours required to understand it thoroughly. If they did, I believe most of our county would be opposed to this revision because it infringes on property rights and property values to an extent that is not consistent with the Ouray County Master Plan.

The revision greatly extends the scope of regulation and creates new development limitations throughout the county. For example, our existing skyline regulations are imposed not just on ridgelines and hilltops, but everywhere - including subdivisions, low-lying meadows, and even the valley floor. While I have always understood this as a problem with the existing code, it is not being solved in this revision but is instead being reinforced and extended to nearly every numbered road in the county. Despite claims to the contrary, I believe this and other aspects of the revision will have "unintended consequences," including loss of property value, added construction cost and owners who are unwilling or unable to develop their property. In many cases, limitations are imposed with very little benefit to the visual character of the county.

Respectfully,  
John Baskfield

**From:** John Guenther [mailto:jguenther7@gmail.com]

**Sent:** Monday, February 18, 2013 3:48 PM

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

**Subject:** Visual Impact Regulations

County Commissioners,

I am opposed to the new proposed Visual Impact Regulations

If a home owner must rebuild due to fire, the reconstructed portion of the property must be brought into compliance with the proposed new Visual Impact Regulations of screening, blending, massing, height, location on the site, size and skyline breakage (blue sky can be seen to meet the roofline. For a more specific definition of skyline regulations, see Section 9 of the current land use code.)

If a home owner wants to remodel or add on, depending on what the homeowner chooses to do, the property will have restrictions on additions and remodels, and possibly on reconstruction, especially if you are located on a bench, ridge, escarpment or hilltop. If a home owner wants to remodel, add on or reconstruct and your property "skylines" (blue sky can be seen to meet your roofline), or your home is less than 100 feet from the centerline of the road, the homeowner will be limited as to what the property can do and you would be able to do only ONE remodel, add on or reconstruct in order to avoid having to adhere to the regulations relative to setback and skyline breakage. The cost of remodeling, adding on and reconstructing so that the homeowners property conforms to the proposed regulations may be higher, and there may be limitations on allowable location and height of additions that limit the functionality of the additions. If a home owner lives on a road that is in the current Visual Impact Corridors and built your home according to the current Section 9, you may no longer conform based on changes to the point system and other proposed modifications. If a home owner wants to sell his/her property, and are affected as mentioned above, they must disclose that your home is a "Non-Conforming Structure." This could negatively impact the value of the home owners property.

What is next ? Tell a homeowner what color he can or cannot paint his home ? This is the beginning of many more Ouray County anti-growth regulations that will be coming down the road. It approaches communism because this whole Visual Impact campaign has been driven by a group of anti-growth public officials. Remember this is a country of by the people and for the people. The people vote you in to your office and out of your office. Listen to the people and what they have to say. Do not follow your self serving anti growth personal agendas. What good for the people of Ouray County does passing this Visual Impact Regulation do ? Remember we the citizens pay your salaries and this is what you all have spent most of your time on while in office since you were voted in this fall.

Shame on you !!! What about the homeless, the people that do not have a job, the people that have little or nothing to eat, the people that really need your help ? what about trying to run a more cost effective and efficient Ouray County government ? How much of the time that we pay your salary for have you spent so far this year on something that really matters to the citizens of Ouray County.

Wake up and smell the coffee !!!

John Guenther

P O Box 494

Ridgway, Colorado

81432

970-318-6736 cell

[Jguenther7@gmail.com](mailto:Jguenther7@gmail.com)

Impact Regulation package do for the average citizen of Ouray County

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

From: Don Paulson [<mailto:drpaulson@ouraynet.com>]

Sent: Wednesday, February 20, 2013 3:16 PM

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

Subject: Please Vote in Favor of Visual Impact Rules

Mike, Don and Lynn,

I urge all three of you to vote in favor of the new proposed visual impact regulations. These regulations will make our property values increase and will make Ouray a visually more enticing place to live.

Don

--

Don Paulson  
PO Box 1168  
Ouray, CO 81427

**From:** Janet Pritchett [mailto:janetpritchett@msn.com]

**Sent:** Thursday, February 21, 2013 3:50 PM

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

**Subject:** Section 9 Revision Meeting Feb. 26th

I am writing to express my absolute disagreement with the proposed Revisions to the Visual Impact Regulations. I believe inclusion of essentially every County road is too all-encompassing. I believe there are too many general situations that would have to be evaluated personally submitting the property owner to the personal tastes of whomever is the judge of a given situation. I am concerned that these revisions have not been evaluated against likely situations in a detailed manner as to identify problematic unintended consequences.

I urge you to vote NO on these revisions, or at a minimum to postpone any vote until completion of a study that could provide significantly more information about different situations and how each would be interpreted by the regulations, and the estimated defensibility of those anticipated situations in a court of law. Ouray County cannot afford to spend large sums of money defending a poorly thought-out regulation. Actions always have consequences. Are you really ready to commit to living with the possible consequences this regulation may create?

It seems to be rare anymore that Government implements new regulations without causing significant and harmful unintended consequences. There is a tendency to jump on solving some "problem" without thinking through all the details that highlight the hidden insanity included in many new regulations. The focus tends to be on the problem, not on the likely implementation tangles caused by that regulation. If Government representatives treated a new potential regulation the same way a business owner evaluates a new business strategy, policy or procedure, the taxpayers wouldn't have to suffer as often as they do. Business owners know that they have to think through many imaginable situations and how their pondered change will work, the possible risks, costs and results or they will eventually be out of business. Politicians on the other hand, seem to be more concerned about the sound bite they are ready to give to a media person, or the bullet point they can brag about during their next election campaign. All most citizens ask for is that the Politicians act responsibly, rationally and with due respect for the impact their decisions have on the innocent tax payers.

Have the authors taken a dozen of the most problematic building permit requests in the county over the last 5 years and reviewed them as though these revisions had been made law? Was each evaluation reviewed against the same list of test criteria (e.g. certain sections of the regulation)? Were the resulting sticky points evaluated in relation to a law suit – ability to win – possible cost of suit? Did the authors suppose changes to the Log Hill Fire Station or Towers and evaluate those imaginary situations against the changes? Did the authors imagine a wind or solar farm, in multiple locations throughout the County? Was all this documented and are those documents available to the public?

This is the type of analysis any business owner would do prior to committing their business, customers and employees to significant changes.

**Failing to plan is planning to fail.** Have these changes really been planned, or are they just the first thoughts about how to solve a perceived problem?

Thank you for your consideration. I am sorry I won't be in town on February 26th otherwise I would have attended the hearing.

Sincerely,

Janet Pritchett  
1113 Marmot Drive

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

From: Robert Green [mailto:[greendb@ridgway.us](mailto:greendb@ridgway.us)]

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

To: [mcastrsdale@ouraycountyco.gov](mailto:mcastrsdale@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

**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

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: mcastrodale@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

**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  
21<sup>ST</sup>.**

- 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](mailto:sue@qbsevents.com)

**From:** Dave Hamilton [mailto: Buckeyedave@skybeam.com]

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

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

**Subject:** Visual Impact

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

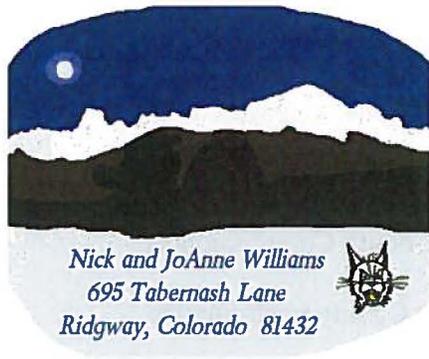
We would like to communicate our wishes as citizens of Ouray County regarding the proposed changes to the Visual Impact regulations.

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](mailto: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](mailto: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 supports 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 signature of Faye K. Hinkson is on the left, and the signature of Roland Hinkson is on the right, separated by a vertical line.

Faye Hinkson and Roland Hinkson

February 21, 2013



POST OFFICE BOX 1077  
RIDGWAY, COLORADO 81432

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.

— roccnet.org —

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## **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 lifeblood, 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:ajeanhendry@gmail.com>]

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

To: [lpadgett@ouraycountyco.gov](mailto: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](mailto:zanettcpa@ouraynet.com)]  
**Sent:** Monday, March 11, 2013 12:15 PM  
**To:** [mfedel@ouraycountyco.gov](mailto:mfedel@ouraycountyco.gov)  
**Cc:** [dbatchelder@ouraycountyco.gov](mailto:dbatchelder@ouraycountyco.gov); [lpadgett@ouraycountyco.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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; mcastrsdale@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 20<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> 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](mailto: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](mailto:mfedel@ouraycountyco.gov), [dbatchelder@ouraycountyco.gov](mailto:dbatchelder@ouraycountyco.gov),  
[lpadgett@ouraycountyco.gov](mailto: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?

**Written Comment to be read into record:  
(Received between 9:00am on March 14, 2013 and March 21, 2013 @  
3:00 P.M.)**

- 1) Eric Lederer – Email received 3/14/2013
- 2) Jim Stephenson – Email received 3/14/2013
- 3) Rebecca James and Richard Harbin – Email received 3/14/2013
- 4) Rick Skoumal – Email received 3/17/2013
- 5) Terry and Sabrina Butler – Email received 3/16/2013
- 6) Jane Nash – Email received 3/15/2013
- 7) John and Lana Cotner – Email received 3/3/2013
- 8) Carla Choate – Email received 3/14/2013
- 9) Bumper and Christen Williams – Email received 3/14/2013
- 10) Bob Thomas, on behalf of his clients; Chimney Peak Ranch and Telluray/Broken Arrow Ranch. Also Sleeping Indian Ranch, Double RL Ranch, Wolf Land Co. and J Bar M Ranch. – Email received 3/14/2013
- 11) John Peters – Email received 3/14/2013
- 12) XXXXXXXXXXXXXXXX
- 13) David A. Calhoon – Letter received 3/14/2013
- 14) Ed and Linda Ingo – Letter received 3/14/2013
- 15) John W. Nelson – Letter received 3/14/2013

**From:** Eric Lederer [mailto:lederer@independence.net]  
**Sent:** Thursday, March 14, 2013 10:40 AM  
**To:** 'Mark Castrodale'  
**Cc:** 'Linda Munson-Haley'; mfedel@ouraycountyco.gov; lpadgett@ouraycountyco.gov; Donna Whiskeman; John Peters; Jim Buske  
**Subject:** letter re: Visual Impact

Mark: Attached is my letter to be included in the record for the Visual Impact file. I have copied it to Linda and to BOCC members Padgett and Fedel. I don't have an email address for Don Batchelder and would appreciate it if you would provide it.

If I am supposed to copy this to the PC members, please advise and provide me with those email addresses as well.

Please acknowledge receipt of this email and let me know whether I have followed the appropriate steps to insure that it will be included in the record.

Thanks.

Eric Lederer  
626-9852  
596-4966 (cell)

**ATTACHMENT:**

ERIC & JAN LEDERER  
120 PONDEROSA DRIVE  
RIDGWAY, CO 81432

March 13, 2013

In this letter we plan to address the issue of which roads were included in the new "corridors" & how that came about. We hope to make the reader understand that the Planning Commission (PC) did not follow the direction provided in Resolution 10-45 or at best followed only that portion of the Resolution that enabled them to achieve the result that a majority of the members had determined in advance.

1. Previously, as a result of the residents of this County going through this same process in the 1990's, there were 9 roads including 550 & 62 that were subject to the Visual Impact (VI) regulations. If these new regulations are approved, there will be 54.
2. Exhibit "A" to Res. 10-45 wherein the BOCC sent the issue to the PC directed the PC to:
  - a. "... determine whether expansion of VI regulations to other VI corridors is appropriate/necessary." In other words, the question as to whether it is even appropriate to add additional roads was to be looked at. No

consideration was giving to determining whether expansion was “appropriate/necessary.” Rather, at the very first workshop on January 6, 2011, a vote was taken. By a 3-2 margin, the PC voted that THEY wished to expand the VI corridors. Further, a comment was made by a PC member on 2-15-2011 (4<sup>th</sup> workshop) to the effect that “the BOCC wants to expand the VI area.” This is a direct contradiction of the words “determine whether expansion ... is appropriate/necessary” in the resolution

- b. Continuing with the language of the resolution (10-45), among other possible criteria to look at were “economic benefits; important for recreational tourism AND regional/local economy.”  
ALL of the discussion at the workshops I attended was about how the VI corridors might affect the tourist industry. NONE of the discussion was about how the expansion might affect: property values (= tax revenues to the county) of property owners, administrative costs to the county, additional cost to construct homes as a result of the new regulations which affects local builders and tradesmen, Realtors and mortgage brokers, and architects and design professionals.
- c. On May 5, 2011, then BOCC member Albritton came to a workshop and offered these comments that seem to directly contradict the statement that the BOCC wanted expansion of the VI corridors:
  - i) The biggest hot button issue is the expansion of the roads.
  - ii) We heard loud and clear from the public in the July, 2010 public meeting that blanket expansion was not acceptable
  - iii) You should discuss the possibility of not expanding the VI corridors at all since much of the public does not want expansion. This directly contradicts what was said by a PC member on 2/15/11, 3 months earlier. That is “that the BOCC wants to expand the corridors.” That question had as previously stated in 2a above, already been rendered moot by a vote taken by the PC on 1/6/2011 (the very first workshop) wherein by a 3-2 vote, the PC said THEY wanted to expand the VI corridors.
3. Having now determined that the corridors would be expanded, the PC then moved on to determining which roads would be VI corridors. The language of resolution 10-45, Exhibit “A” offered several POSSIBLE criteria which were:
  - a. Amount of private land available for future development
  - b. Direct access to public lands
  - c. Economic benefits (previously discussed above but to reiterate, two types of economic benefit were suggested as possible criteria)
  - d. Visually significant areas; classic Ouray County vistas including Ag vistas essential to Ouray County’s character
4. This offered a wide variety of possible criteria. It did not limit the PC to these issues. They certainly could have considered others.

5. I want to focus on one of the criteria because I believe it to be the one given the most weight by the PC in their "ratings" of the roads. That is, the view aspect of different roads.
6. I want to stop now & provide some definitions as found in the dictionary of a few words.
  - a. Data. Factual information as in measurements or statistics used as a basis for reasoning, discussion, or calculation.
  - b. Assumption. "Something taken for granted or accepted as true WITHOUT PROOF, A SUPPOSITION."
  - c. Iconic. "Of, pertaining to, or characteristic of an icon. An icon is then defined as an object of uncritical devotion." Synonyms for an icon are God (with a capital G), hero, and idol.
  - d. Excellent. "Possessing outstanding quality or superior merit."
7. Before going into this, I want to state what I believe to be the assumptions (remember that this is defined as something taken for granted or accepted as true WITHOUT PROOF, A SUPPOSITION) that a majority of the PC used in determining whether or not to include roads in the VI corridors. While these are my opinions, I'm certain that others who were present at the PC workshops would agree with me.
  - a. First and foremost, the assumption was made that structures are inherently ugly, be they commercial structures or personal residences. The next assumption used was that these houses will "destroy" (the word was used numerous times by PC members) the scenic beauty of Ouray County. Therefore,
  - b. The next assumption was that tourists/visitors will not want to look at these inherently ugly structures AND will not come back to OC if they have to look at them. Therefore:
  - c. We need to hide these houses from view so that tourists/visitors will not have to look at them and will come back.
8. At this point in the process, one of the PC members (who had voted in favor of expanding the VI corridors) stepped up and produced a spreadsheet utilizing the possible suggested criteria.
9. This spreadsheet established a "rating system" to be applied to every road in the County. The PC member in question was kind enough to provide the ratings as seen by this member. These "ratings" then became the basis for discussion. The views of all of the roads were categorized as either iconic, excellent, good or "Sneffles distant."
10. Of the roads not previously included in the VI corridors, 28 were rated in a document prepared by this PC member and given to the county staff to be distributed to the other PC members for discussion at the workshop on 2/3/2011. The discrepancy between this number and the total number of roads is due to the fact that not all of the roads were rated on the 2/3/2011 PC package.
11. Of the roads newly rated, 17 (= 61%) were described as having iconic (an object of uncritical devotion) views and 7 (= 25%) were described as having excellent (possessing outstanding quality or superior merit) views. So a total of 86% of the roads in this county have views that are either iconic meaning "objects of

uncritical devotion” or excellent meaning “possessing outstanding quality or superior merit.”

12. It has been stated that roads were included in the VI corridor based on data (= factual information as in measurements or statistics).
13. IN CONCLUSION, I would submit that this is not remotely close to being the case.
  - a. Once having decided that they wanted to include additional roads in the VI corridors which was done at the first workshop on 1/6/2011 (even though Resolution 10-45 told them to see if it was appropriate/necessary), the PC used the assumptions referred to in #8 above.
  - b. To determine that nearly every road in the county is a “visually significant and sensitive area based upon their
  - c. OPINIONS of the views. Note the word OPINION rather than FACT or DATA. This is because based on statements made by PC members,
  - d. They knew where they wanted to go and made sure they got there.

Please do not approve these regulations. They are the result of a flawed and biased “process” that arrived at a predetermined result.

Sincerely,

Eric & Jan Lederer

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**From:** Jim Stephenson [mailto:jimphoto@montrose.net]  
**Sent:** Thursday, March 14, 2013 11:11 AM  
**To:** mcastrodale@ouraycountyco.gov  
**Cc:** mfedel@ouraycountyco.gov; lpadgett@ouraycountyco.gov; dbatchelder@ouraycountyco.gov  
**Subject:** comments

Dear Mr Castrodale,

As an 18 year resident of Ouray County, I am watching with interest the ongoing debate regarding the visual impact regulations. I am writing to express the importance of preserving the stunning natural scenery, which is certainly fundamental to the personality of our county and is an asset to residents and visitors alike. I find the proposed revisions to the code to be necessary to preserve this asset and I find the proposals to be very reasonable.

Here are the fact as I see them:

Nothing in the proposals that would create an onerous burden on the county staff, not are there any legal ramifications. The addition of roads will not make some lots unbuildable nor would any existing structure be condemned. Property values will not decline, in fact most would probably increase, and building costs will not increase. Set backs will not increase and the point system will not be any harder to pass, in fact it would become more flexible. The color of a new home would not be dictated nor would the county dictate where the home could be built.

It is unconscionable that a certain segment of the community would obscure these facts and make untrue allegations about an issue that means so much to the future of our county. I urge the Planning Commission to proceed with the revisions and when presented to the BOCC, they follow suit as the majority of the caring citizens of the county would ask them to do.

Thanks you for receiving these comments and recording them as part of the record.

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**From:** Rebecca [mailto:rjames987@aol.com]  
**Sent:** Thursday, March 14, 2013 1:05 PM  
**To:** mcastrodale@ouraycountyco.gov  
**Subject:** Re: Visual Impact Corridor Regulations

Dear Mark:

As a property owner within a current Visual Impact Corridor in Ouray County, we have been unable to attend recent public meetings, and therefore must rely on this email to express our views re: the Proposed Visual Impact Regulations. My husband and I respectfully request that the Ouray County Commissioners deny the Planning Commission proposal to expand the Visual Impact Corridor and related regulations that further threaten property owners and their real estate values.

Why is the Planning Committee so involved in traffic corridors rather than focusing specifically on ways to protect the cherished scenic views along escarpments, ridgelines and other geological features at specific elevations? This could be accomplished with the current regulations (even rolled back to 1997 version). Why would the County Commissioners welcome ANY opportunity to further jeopardize property values for property owners who are or will be within the designated distance of the corridors? For those of us who have acted responsibly during the past 5 years of real estate "hell", why would Ouray County now add insult to injury by becoming the persecutor to those of us who have remained steadfast in our investments in the County?

We are particularly disturbed by the notion that after going through the permitting requirements when my home was built and expanded, that now the Commissioners would decide they have the power to label our property improvements as "non-conforming" by enacting these new regulations. Is this action putting Ouray County in a vulnerable position for any or all of us that that are now at risk of being affected by this new threat to our property values?

It is difficult to trust that the purpose "is not an attempt to make our current regulations more harsh." I fear that Ouray County has joined the ranks of government entities that simply govern so that the few gain power over the many citizens( rather than to serve them). Instead of gaining strength by harrasing property owners with useless regulations, why not offer a consultative approach and provide prospective builders with a variety of options to mitigate visual impact?

Respectfully,

Rebecca James and Richard Harbin  
33380 South Highway 550  
Montrose, CO 81403

**From:** Richard Skoumal [mailto:rskoumal17@gmail.com]

**Sent:** Sunday, March 17, 2013 10:51 AM

**To:** mfedel@ouraycountyco.gov; dbatchelder@ouraycountyco.gov; lpadgett@ouraycountyco.gov; loghillpol@skybeam.com

**Subject:**

to my CC here in Ouray County and fellow residents, as I return to this beautiful area after an absents of 25 years, it saddens me to see this county running headlong into the rules and regulation of the current land use codes. As a land owner in this county I am sending this to y'all so that my thoughts on the matter are understood. Below are my comments. They may be reprinted and passed out in its entirety.

Greetings, in these momentous times we find ourselves, it is always honorable to be respectful and peaceful. As a group, a nation, we generally are but, there finally comes a time in one's life when enough is enough, that time for me is, NOW. I respectfully will just, in the words of Nancy Reagan, "just say no." Won't be mean or abusive, just not going to abide by these basically U.N. Agenda 21 regulation for a sustainable, oh wait I forgot, we are a "Smart Growth" community. Any other name and shit still smells as bad! So it is time we the rural minority that owns and controls the majority of the county should stand up and throw the current codes in the trash bin, which equates its worth to me..., tell the majority, who reside mostly in the two small hamlets, to sit down, take care of their own problems and mind there own business. If they want to live under more rules and regulation then I welcome them to take their little hamlets and regulate the hell out of them. Don't try to tell me how I am going to use or not use, live on, renovate by how much or any of the other mindless rules you need to conjure up for control. I'm done with you!!!

So in closing, I am going about pursuing my happyness (sic) in the liberty that is granted me due to my life here on this plant at this time. May all of you enjoy the same, for that is your right also. But, in the words of our President, "let me be clear," if anyone infringes on my life, liberty, or pursuit of happiness, we are going to have a problem! May all my fellow Ouray County residents be blessed, now go live that way!

Rick Skoumal

Lower Log Hill resident.

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

From: "SABRINA BUTLER" <terryandsabrina@gmail.com>

Sent 3/16/2013 2:50:34 PM

To: dbatchelder@ouraycountyco.gov

Subject: Visual Impact

Don,

Have not done a good job of keeping up with this issue but a friend at church recently updated me on the potential effect on our property and urged me to contact you. Sabrina and I consider ourselves very much a part of this community and do not want to see anything changed that could affect the value of our home or infringe on our rights as property owners.

You and your son's exceptional craftsmanship and hard work were quite instrumental in building our lovely home here in this CR 361 corridor. Please consider our home and any others in this area, or even those who have yet to build and enjoy this wonderful place, before allowing changes that could adversely affect us.

This is an awesome place and we feel privileged to have the opportunity to live here and enjoy our surroundings. We know you will do the right thing regarding this controversial issue.

Sincerely,

Terry & Sabrina Butler

512-516-6535

PS

The fireplace has served us well this winter. It's Fantastic! TTYL

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

From: "Jane Nash" <janash46@gmail.com>

Sent 3/15/2013 2:41:54 PM

To: mcastrodale@ouraycountyco.gov

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

lpadgett@ouraycountyco.gov

Subject: VIR

Dear Mr. Castrodale,

My name is Jane Nash and I live on Log Hill. My husband grew up on the Front Range. He and I are graduates of Colorado State University as are our two children.

With retirement on the horizon, we looked away from the congestion of over development of the Front Range and toward the scenic beauty of the mountains. To find our spot, Lyle opened the night atlas of the United States, turned to Colorado, and found the darkest spot in the state, Ouray County. By the way, thank you for your foresight in establishing the Dark Sky Ordinance which allows all us to be in the 2% of the U. S. population who can still see the Milky Way.

We all have varying opinions and points of view. But there is one thing we all agree on and that is that we live in one of the most scenic states of the country and the most beautiful part of Colorado. In the past, there were so few people in Ouray County, that regulations seemed less important. Scenic beauty is what holds us here and what brings friends, families, visitors, and yes, development. We need strong visual impact regulations to keep the promises of the county's Master Plan.

The Ouray County Master Plan was established in 1999. By the way, we built in 2001 and did not find county regulations to be threatening, more costly, or limiting. In fact, building where there are regulations gave us the assurance that visually significant and sensitive areas of the county would be protected and that we were doing our part.

I'd like to quote the Master Plan: "Ouray County contains some of the most unique and beautiful scenery in Colorado. The diversity of the landscape ranges from jagged high mountain peaks and mesas to river valleys and irrigated fields. Preservation of this visual beauty is of the utmost importance to the citizens of the County. The citizens want to be assured that future development will not hinder, impair or destroy Our County's scenic beauty" The Master Plan recognizes our stunning natural scenery as an asset to all of us. The Master Plan helps us protect and preserve what we all value the most. Maintaining strong visual impact regulations is essential in protecting sensitive areas of our county.

I would like to thank the Planning Commission for the thoughtful and transparent process which they have applied to the task given them by the Board of County Commissioners. There have been dozens of public workshops over the past two years. The current visual impact draft includes suggestions given by and compromises made with county staff, builders, realtors, and the general public. There has been exhaustive study and research considered. The proposed point system has been analyzed and tested. The task originally charged by the BOCC has been thoroughly addressed and I urge that this recommendation move forward for final approval.

Regards, Jane Nash

**From:** Ian MacSloan [mailto:ridearedhog@hotmail.com]  
**Sent:** Sunday, March 03, 2013 11:00 AM  
**To:** mcastrodale@ouraycountyco.gov  
**Cc:** john@cotner.com  
**Subject:** Visual Impact Regulations

*Sent from Windows Mail*

Chair and Members, Ouray County Planning Commission,

This note is in support of the proposed "visual impact" regulations for construction in Ouray County. We attended the public meeting of the Commission last Tuesday, listened carefully to the presentations, and understood the various points of view. After considering all the arguments, we have concluded that the revised regulations are appropriate, reasonable, and important. We strongly feel it is essential to preserve Ouray County's unique vistas for current residents, visitors, and future generations

One of the primary reasons we decided to make our home in Ouray County is its extraordinary scenic beauty. Our home is located within the existing regulated view corridors and built in full compliance with current guidelines. Although meeting the visual impact regulations did require erecting story poles and relocating our house a bit, this was not an onerous condition. Our neighbors also erected story poles and built houses that comply with all county regulations. I believe all of us would agree the resulting aesthetics are well worth the relatively small efforts required to minimize impact on our magnificent natural surroundings.

In the short term, it is likely that any "change" in regulations will be met with some resistance. However, we believe that over time, resistance will decline and that most Ouray County residents will recognize and appreciate the benefits derived from preserving our home.

Regards,

John and Lana Cotner

633 Golden Eagle Trail

Ridgway, Ouray County, CO 81432

Dear Mr. Fedel and Mr. Batchelder:

For reasons below I oppose the regulations set forth by BOCC for what has been determined as Visual Impacts. Jane Nash stated at the February 26<sup>th</sup> public meeting, that the “night sky” was the reason she and her husband moved here. The “night sky” is appealing to my husband and I as well but we were attracted to this county for it’s peacefulness, beauty, opportunity, and recreation.

We have seen many changes evolve in our county since Lynne Padgett has become our commissioner. All of the people who have moved to this county would love to keep this area beautiful. The previous BOCC’s of Ouray County’s history have achieved such a goal. At this time, there is an atmosphere of abuse of authority in our county. It appears to me that the letters, the public hearings and the displays of concern for those who oppose are nothing more than just a display. The ROC and Lynne Padgett are determined to get the “VIR” passed in this county regardless of the number of residents who oppose. There is no telling the cost that we, the taxpayers have had to cover for the BOCC to have gotten this far in their proposed “VIR”. By the way, who paid for the flyer that the residents received right before the Planning Commission meeting? The appearance of all that is proposed in the “VIR” is more like a money grab. The more regulations, the more revenue for the county and assurance of better income for elected county citizens. How many people will we have to hire on the public payroll to enforce these regulations?

The future of Ouray County is always important to plan for and that is why we elect Commissioners but the Commissioners are not elected to alter the entire structure of the county against the people’s will. The peacefulness of residing here and the future of our investments are at risk. The stress created by the proposed “VIR” has many people in a panic and that snatches away the many reasons why we are here. The “night sky” doesn’t look as appealing with all of the negativities associated with what Lynne Padgett and ROC are proposing. I do not buy into the falsity of the proposed “VIR” as being for the good of the people and for the future of our county but what I see is what is considered a new addiction in today’s society as spending OPM (other people’s money). I am from Boulder County (better known as the Socialist Republic of Boulder) and what a mess it has become from years of enforcing rules and regulations in which have become too difficult to live by. It is typical in today’s time that when people arrive in a beautiful area they become authoritative and shut the door or make it unwelcome to others, thereby ruining those of us who have invested our hearts and many years of hard-earned money.

Wouldn’t Ouray County be a better place to live by enjoying the “night sky”, by welcoming others into this beautiful and peaceful setting while continuing to set forth the regulations that are already in place?

Sincerely,  
Carla Choate

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

From: "Christen Williams" <cdouray73@yahoo.com>

Sent 3/14/2013 2:40:14 PM

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

Subject: Fwd: Visual Impact

>

>

> As lifelong members of Ouray County we are greatly disturbed by the proposed changes to the county building code. We believe that the proposed changes are being taken into consideration with a very short sighted and slanted purpose and they do NOT truly reflect the history or the desires of the citizens of this county. We owe a great deal of gratitude to the generations before us who have worked here. They farmed, raised livestock, mined and carved a living and a legacy out of the mountains. They have actively kept it lovely without the need for much regulation. Ouray ranchers ensure a working green zone voluntarily and they deserve credit for their part. We dare say we are capable of continuing on with thoughtful recommendations rather than heavy handed code. We can do this with cooperation and respect rather than judgment and mandates, which by their nature are subjective and flawed.

>

> The fact that we have a community in this particular place, to me, is a testament of the American spirit. It wasn't easy to live here 100 years ago and to some extent that continues to be true. The pioneers who settled this area tamed it with sweat and labor and ingenuity. They crafted their own dreams into unique homes tucked in places throughout the county. We have continued to do much the same over the decades expressing ourselves in the homes we claim as sanctuary from an often crazy world. We are free to disagree about the ways we do things because we live in the United States, under the Constitution which guarantees our liberties. Everyday it seems there is a new regulation to push us toward being safer or better off and I can't help but think that our perspective has become pretty skewed. Do any of these rules bring us closer to fulfillment and happiness? We do not need any level of government telling us what size home we can build or where. The particular purpose of the building inspection process is to maintain safety and its breadth should be limited as such.

>

> We doubt there are any among us who take for granted what a magnificent place we live in and we should be mindful as we work and play in one of the best backyards in the country. Even as we disagree about the ways we preserve our beautiful county we must sometimes be reminded to take a step back to remember the path we are fortunate to follow, and make sure that the liberties guaranteed in the founding documents of our nation are defended. We believe that this code goes too far and infringes upon my choices and liberty. That Liberty is worth guarding with every bit as much fervor as many have placed on the preservation of the scenery here in Ouray county.

>

> Thank you for your striving to meet the needs of the county,

>

> Bumper and Christen Williams

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

From: Bob [mailto:rjtlaw@montrose.net]

Sent: Thursday, March 14, 2013 3:52 PM

To: 'Mark Castrodale'

Cc: 'Richard Johnson'; 'Brown, Robert L.'; 'Michael Hockersmith';

'Minor, Daniel J.'; 'Martha Whitmore'

Subject: March 21, 2013 PC hearing on VIR amendments: joint statement of six ranches (Chimney Peak Ranch, Telluray/Broken Arrow Ranches, Sleeping Indian Ranch, Wolf Land Co., Double RL Ranch, and J Bar M Ranch,

Mark,

As discussed earlier today, I am enclosing a joint statement of six ranches (Chimney Peak Ranch, Telluray/Broken Arrow Ranches, Sleeping Indian Ranch, Wolf Land Co., Double RL Ranch, and J Bar M Ranch, in opposition to the proposed amendments to the Visual Impact Regulations. We ask that this statement be included in the record of the hearing of the Ouray County Planning Commission scheduled for March 21, 2013.

Please contact me if you have any questions or concerns about this request.

Regards

Bob Thomas

Cashen, Cheney & Thomas

Attorneys at Law

400 S. 3rd St.; Montrose, CO 81401

Telephone: 970.249.6611

Fax: 970.249.6613

**ATTACHMENT: SEE NEXT PAGE**

LAW OFFICE OF  
**CASHEN, CHENEY & THOMAS**

**ROBERT J. THOMAS**  
ATTORNEY AT LAW

400 S. 3<sup>RD</sup> STREET  
P.O BOX 387  
MONTROSE, CO 81402

TELE: 970.249.6611  
FAX: 970.249.6613  
RJTLAW@MONTROSE.NET

DONALD E. CASHEN (1936-2012)  
THOMAS F. CHENEY (RET.)

March 14, 2013

Mark Castrodale  
Ouray County Land Use Department

Re: Joint statement of Chimney Peak Ranch, Telluray/Broken Arrow Ranches, Sleeping Indian Ranch, Wolf Land Co, Double RL Ranch, and J Bar M Ranch In opposition to proposed Amendments to Visual Impact Regulations of Ouray County Land Use Code

Dear Mark:

Please provide this statement to the Planning Commission for its consideration at the continued hearing on March 21, 2013 regarding the proposed amendments to the Visual Impact Regulations.

This joint statement is written on behalf of my clients, Chimney Peak Ranch and Telluray/Broken Arrow Ranches. In addition, Sleeping Indian Ranch, Double RL Ranch, Wolf Land Co and J Bar M Ranch have, through their respective counsels' signatures below, joined in this statement.

The six ranches represented by this joint statement, as fee owners in the aggregate of over 61,000 acres of established ranches which have existed for many generations in the County, have a significant vested interest in the well-being of Ouray County as a whole. The owners and employees of these ranches are a part of the vital agricultural community of Ouray County which has been an important community within the County and which has co-existed with others in the County for generations. Our clients hope that the County government values this agricultural community of the County, and that it sees these six ranches as being a beneficial part of that community. It is the collective belief of the six ranches that they are good stewards of the land, and that most of the protection and preservation of the views in Ouray County stems not so much from the imposition of regulations on private property, but from the sound and sensitive stewardship of agricultural lands by these six ranches and by other ranches like them, whether large or small.

The six ranches unanimously oppose the passage of further amendments to the visual impact regulations. Increasing the scope, extent, and reach of the regulatory process will cause more overall cost and substantial damage to private parties, in addition to the cost to the County to implement and enforce the expanded regulations, all at little incremental gain for the overall areas of the County that warrant protection and preservation of the view. The prior County boards adequately prioritized the main view corridors to be protected. Current efforts to expand these jurisdictional view corridors and other regulatory provision are overreaching and will have significant negative consequences to the agricultural community. It is our collective view that before the County passes new stringent laws

restricting land use, the County should not only consider perceived incremental benefits (over the existing regulations), but it should also require careful study of all possible fiscal impacts and negative consequences which may occur to the County government itself and to the large agricultural community which has long been a thriving presence in Ouray County.

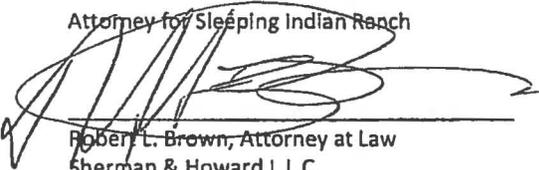
Sincerely,



Robert J. Thomas  
Attorney for Chimney Peak Ranch and for  
Telluray/Broken Arrow Ranches

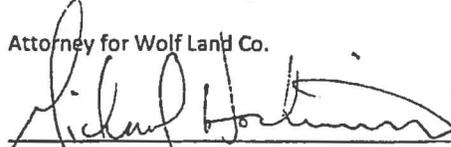
The following counsel for Sleeping Indian Ranch, Wolf Land Co., Double RL Ranch, and J Bar M Ranch, being authorized by our respective clients to join in the foregoing statement in opposition to the proposed amendments to the visual impact regulations of the Ouray County Land Use Code, affix our signatures below in joinder of the foregoing statement.

Attorney for Sleeping Indian Ranch



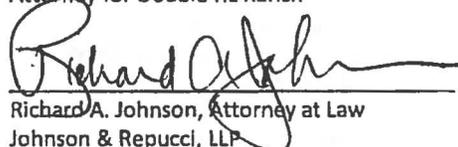
Robert L. Brown, Attorney at Law  
Sherman & Howard L.L.C.  
633 17th Street, Suite 3000  
Denver, CO 80202

Attorney for Wolf Land Co.



Michael D. Hockersmith, Attorney at Law  
Andrew A. Mueller, Attorney at Law  
The Tisdell Law Firm  
P.O. Box 646, 645 Second Street  
Ouray, Colorado 81427-0646

Attorney for Double RL Ranch



Richard A. Johnson, Attorney at Law  
Johnson & Repucchi, LLP  
2521 Broadway, Suite A  
Boulder, CO 80304

Attorney for J Bar M Ranch



Daniel J. Minor, Attorney at Law  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, Ohio 43215

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

From: John E. Peters [<mailto:johnp@jpassociates.biz>]  
Sent: Thursday, March 14, 2013 6:22 PM  
To: Mark Castrodale  
Subject: SECTION 9 PC PRESENTATION

Mark,

Attached is the PC presentation I gave on 2/26 for the record. Please include in the necessary package. Thanks.

John E. Peters  
John Peters & Associates  
112 Village Square West  
Ridgway, CO 81432

(970) 209-4760

### **ATTACHMENT :**

Good evening,

I want to thank the Planning Commission for the opportunity to express my concerns regarding the proposed regulation. My name is John Peters. I am a local planner who has successfully processed numerous planned unit developments within in this county, southwestern Colorado, both the eastern and western United States and numerous countries abroad. My livelihood depends upon code and regulation. With out clear and concise code, or as I put it, predictability, quality design cannot and will not take place.

Regulation (by Webster) is defined as:

- 1: the act of regulating or the state of being regulated.
- 2a : an authoritative rule dealing with the details or procedures having the force of law.

In order to enforce a regulation, you must have a regulator or one who governs or directs according to "the" rule. In other word an interpreter, that brings order, method, and uniformity to the regulation.

In this County, the interpretation of the proposed revision presented here today, will first fall upon the planning staff, then the planning commission, Board of Visual Appeals, the BOCC, the Board of Adjustment and possibly the courts. This process which was set up to protect both property rights and our community at large, is dependent first upon precise and clear language of the code and second upon the ability for clear and precise interpretation. Ambiguity should not and cannot be part of any good code or regulation.

As a member and acting chair of the Board of Visual Appeals, interpretation of the proposed amendment will eventually end up before us. We will have to recommend to the BOCC if a land use or building permit meets the intent of this new regulation, and if not what recommendations we can give to mitigate circumstance. Therefore I ask, how do we, as well as the others, interpret the proposed regulation when riddled with vague and ambiguous language? Do we as citizens of Ouray County want our properties subject to whimsical interpretation by governing authorities that can overreach the intent of the code do to a poorly written regulation?

This commission was tasked with the difficult challenge of reviewing the existing code that performed well, but was not perfect. After 1 year of review by the BOCC, followed by 2 years of review by this planning commission, all at a tremendous cost to the taxpayers of this county, the proposed changes not only significantly expand the complexity of the code but will leave this County subject to continual interpretation and future litigation.

The current regulation has done a wonderful job of protecting the scenic beauty of this county. This statement is authenticated by how few applications ever reach the Board of Visual Appeals. I do not believe the proposed modifications presented here today are necessary or effective. Therefore, I humbly request denial these revisions.

To the members of the Ouray County Planning Board. 3-12-13

Ouray County has had the Section 9 Visual Impact Regulations for twenty six years since nineteen eighty six when they were adopted. The concept at the time seemed reasonable, but in the years that it has been in effect there have been modifications to try and make the regulations more understandable and easier to enforce. The complete revision of the land use code was adopted in February 2001.

The last eleven years under the new code under visual impact regulations have been more controversial than they were in the prior fifteen years. The economic engine of Ouray County is comprised of many different types of business's that rely on the use of all of the land within the county. Agriculture, mining, real estate, recreation, tourism, construction are the major ones, but there are a multitude of smaller ones also.

Ouray County has spent more time and money including legal fees on visual impact on a concept that hasn't been resolved in twenty six years and with no end in sight. Ouray County is a business and should operate much as a private company would. Any thing that is costing money without results is eliminated.

My recommendation to this board is to eliminate the entire Section 9 Visual Impact Regulations as they are too controversial.  
REMEMBER BEAUTY IS IN THE EYE OF THE BEHOLDER.

David A. Calhoun 65 year resident and rural land owner.

*David A. Calhoun*  
CC Ouray County Commissioners.



Ed & Linda Ingo  
Andrea Ingo  
(970) 626-5530

March 12, 2013

**To:** Ouray County Planning Commission  
**From:** Linda Ingo  
**Re:** Proposed Visual Impact Regulations

My husband, Ed Ingo, and I will go on record as opposing these amendments to Section 9. No new roads should be added to this regulation. Mandatory blending can be one of the positive ideas to incorporate in future proposals.

These ideas have been studied and discussed adnauseam. Commissioner Padgett and the two commissioners who lived in Ouray, Meinert and Albritton, began the first of their 36 work sessions/meetings in the fall of 2009. Now three and a third years later, we have a document perfected by your concentrated efforts. You have strategically documented your work, justified your decisions, written excellent comparisons between the present and proposed code, and without any mean spiritedness come to these recommendations. You have done your very best and I commend you for that. Both you and the BOCC focused all your efforts on promulgating visual impact regulations that you were blinded to the other goals of the Master Plan and economic realities.

Ours is a unique county with 50.8% of all lands are public, 42.3% - Forest Service, 7.5% - BLM, and 1% Colorado Parks and Wildlife. The public has a lot of latitude to influence these public areas. However, it is too overreaching to then use the criteria of "direct access routes to public land" as criteria to expand the number of roads under this regulation. Economically impacting all the landowners along these roads is not justified for some perceived visual pleasure for the tourists.

For twelve years I served on the Ouray County Planning Commission. When we adopted the Master Plan in 1999, we included sections on economic development,

170 Racecourse Road • Ridgway, CO 81432 • fisherranch@ridgwayco.net

housing, wildlife and plant habitat, and natural resources in addition to visual significant areas. I envisioned an artistic balancing of all of these goals. Your proposed regulation pushes the county toward elitism. How casually the staff talked about screening and illustrated with fully developed trees. Will the added cost of screening force less affluent people out of the county? Will it cause buildings and roads to penetrate further into the areas where wildlife retreat? Will it cause some properties to diminish in value? I don't know what all the ramifications will be, but I do know full grown trees are expensive and do not always survive. I do know it is necessary to allow a defensible space around your buildings. I also appreciate living in a socially and economically balanced community.

Never in the 44 years that I have lived in this county has anything so polarized our community. Our majestic mountains remain ever so beautiful whereas the disruption and ugliness caused by this proposal is unsurpassed. With the strong personalities on this board, I really doubt you would make changes after hearing from the public. If you were to make substantial changes, another public hearing is required. Therefore, forward your recommendations on to the Board of County Commissioners to allow the process to move forward. Maybe, you have already done enough.

*Linda Lago*

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

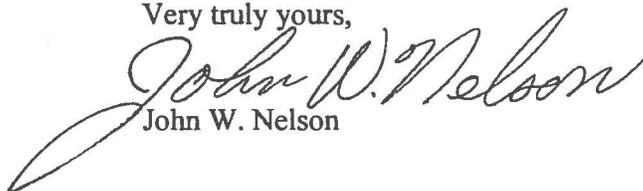
Ladies & Gentlemen:

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

Mark Castrodale  
Ouray County Land Use Department

Dear Mr. Castrodale:

I am a property owner at 453 County Road 5, Ridgway, and am taking this opportunity to give my support to the proposed revisions to the Visual Impact Regulations of the county land use code that have been crafted by the Ouray County Planning Commission.

I know this has been a long, arduous, and controversial topic, but I know of no other way to protect our dear and scenic Ouray County landscape than by taking the assertive and forward thinking steps proposed by our planning commission commissioners.

In reading through the county website regarding the proposed changes and how they differ from the current visual impact regulations, I am convinced the commissioners worked hard to strike a balance in the tradeoff between what has been added and what has been removed. Yes, blending has been made mandatory and additional visual impact corridors are proposed, but the enhanced opportunity for the reduction of possible impact points with the proposed revisions seems a very reasonable compromise. Further, the removal of the 'waiver process' in favor of an 'exception process' seems to me to be a remarkably large doorway for those asking for some kind of appeal if and when their structure design plan doesn't fit the requirements of the proposed visual impact regulations.

I am aware that the planning commission is breaking new ground with its revisions. But unless steps are taken to protect what we have now, it will be impossible to roll back human caused land use changes that will only detract from the physical beauty of our county. I personally am most interested in maintaining the alpine integrity of our county, because unless we can intelligently manage the residential development possibilities in those areas, we are consciously, in effect, passing sentence on future generations that these forever altered landscapes for the public good are a burden with which they must live. Let's not do that.

To reiterate, I am in favor of the revisions to the current visual impact regulations proposed by the Ouray County Planning Commission. Thank you.

Sincerely,

Rein van 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 an 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,



Faye Hinkson and Roland Hinkson

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.



Ed & Linda Ingo  
Andrea Ingo  
(970) 626-5530

March 12, 2013

**To:** Ouray County Planning Commission

**From:** Linda Ingo

**Re:** Proposed Visual Impact Regulations

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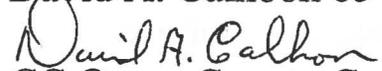
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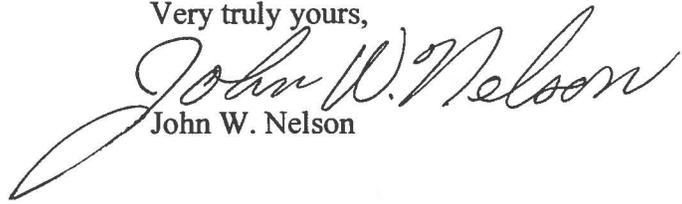
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I strenuously oppose all visual impact restrictions and particularly the current proposals. We moved here from Phoenix to escape crime, traffic, smog and government bureaucracy. Here, we watch wildlife, enjoy the outdoors and spend our free time on 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

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 26<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> 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.

Presumably the PG is supposed to represent the views of a diverse population within the county. Yet the chairman in open meeting reprimanded a commissioner and alternate for daring to talk to citizens of the county about the issues at hand. While individuals may, or may not, be elected or appointed to office based upon their individual qualifications, it is not reasonable to expect them to inherently know all elements, aspects and potential consequences of every element in a proposed regulation. Thus, just as we expect you to communicate with citizens throughout your tenure rather than being isolated *incommunicado*, it is also reasonable to expect a PC commissioner to be able to hear and question the views of citizens. To prohibit such contact and discourse is nonsense.

At the public hearing on February 26<sup>th</sup>, the chairman stated county commissioners were prohibited from attending the public hearing and listening to public input. While it is understandable that members of the Board of County Commissioner (BOCC) would neither meet formally nor take any action at the PC public hearing, to ban county commissioners from attending a public hearing as members of the public is ludicrous, and can only be interpreted as the PC wishing to put its own spin on public comments to be presented to the BOCC.

Based upon the fact that the PC intentionally stymied public input during this extended process, that it did not comply with open meeting laws, that the chairman prohibited commissioners from obtaining views from citizens or even indicating to citizens what aspects were being considered by the PC, and that it is clear the PC has predetermined the outcome of its effort regardless of public comment, the entire proceedings, notwithstanding the four years and countless hours of staff time and expense devoted to this, should be declared null and void. As someone mentioned at the February hearing, La Plata county went through a similar process only to find the results inappropriate, and canceled the entire effort. Recommend you do the same.

#### Selected details:

As noted by the Wolf Ranch representative, fences have been added to the proposed regulation. These present a number of problems, to wit:

- As the prior county attorney could have told the PC, court testimony indicated that snow drifts ten feet high are experienced on Log Hill. One might presume that higher drifts are experienced at higher elevations. Thus a four foot high fence would be six feet under at such drifts, and thus useless. It does not make sense to require everyone needing an effective fence to go through the entire visual impact process for a fence.

• 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.

Clearly, as pointed out by a number of builders at the February hearing, the consequence of IV expansion increases the cost of obtaining a building permit with limited returns on building a home with a view, while others are free to do so. 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

city area have lasted more than 20 years and have not had some work done on them? Hopefully the houses we build today, or that were built in the past 20 years, will last for many decades. To preclude them from ever being modified is unrealistic at best.

In developing regulations such as the proposed, various potential outcomes need to be considered. If the PC has done this, it has been an incomplete effort. For example, some homes would be limited to a single building permit during their structural lives. Say, for example, that an owner uses up that single exemption to make a minor change, perhaps an addition, yet in some later year the home suffers a fire. Under the proposed regulation, the then owner would be prohibited from reconstructing the home because the single life time allowance for a building permit had been previously expended.

The limitation of a single lifetime building permit for these homes ignores likely owner requirements. If an owner would like to make several minor modifications, but cannot afford to construct them at the same time, why is the owner to be prohibited from doing these incrementally? If an owner at one time makes a minor modification, using up the onetime exemption, why are all subsequent owners to be prohibited from making any further modifications in later years?

The PC in its discussions considered the example of the house on CR#1 that burned Christmas day several years ago a success story for the PC. I consider it a disaster story. The house burned, apparently due to a faulty chimney environment. Because reconstruction included correcting the fault surrounding the chimney it constituted a "change" from the original structure, and it took the county an entire year to approve the building permit to reconstruct that portion of the chimney and roof because the roof line of the house could be seen from a VI corridor. To think that the county, which is supposed to be a friend and defender of its residents, forced the family in that home to find an alternate abode for over a year in addition to the time required to rebuild is disappointing, at best.

The VI regulations focus on one aspect, visible structures and roads from named corridors. One of the results is that land owners may be permitted to build homes only in undesirable locations on their property, locations which may be contrary to good neighbor approaches regarding proximity to their neighbors, or which may dictate inefficient or difficult to utilize driveways, especially in winter conditions, in addition to increased costs due to longer utility runs, longer driveways, and different structure construction. Second, the owner may be precluded from building a home with a view, while others are free to do so.

Clearly, as pointed out by a number of builders at the February hearing, the consequence of VI expansion increases the cost of obtaining a building permit with unlimited demands on

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,

