

**EXHIBIT E1 – 2/26/13 PRESENTATION GIVEN BY PLANNING COMMISSION
AND STAFF**

Public Hearing Section 9 February 26, 2013

Public Hearing Procedures:

- Please sign in at the front tables
- Group (15 minutes) or Individual (3 minutes)
- Comments will alternate
- Public Comments to be directed to PC
- Please do not repeat previous points
- Questions will be answered during the PC deliberations
- 10PM cut-off 2/26 -Continued 3/21
- Written comments must be in by 3/14
- PC deliberation after close of Public Hearing

History on the County's Review of Land Use Code Section 9 *Visual Impact Regulations*

2008 to Current

BOCC Work Sessions

- **January 2008:** BOCC begins reviewing possible code changes to regulate development on mining claims.
- BOCC hands off to Planning Commission to conduct work sessions and public hearing
- Referred to as: Section 30 – *South Alpine Zone*
- **June 2009:** PC Public Hearing – “concerted opposition”
- Planning Commission Vote: *Take no action...*
- BOCC directs PC to suspend further work on Sec. 30
- **July 2009:** Town Hall – Board withdraws Section 30
- BOCC – States it will conduct work sessions to explore various issues raised by Section 30, including possible expansion of the Visual Impact Regulations

BOCC: Direction to Planning Commission on Section 9

- 2010 – BOCC adopts Resolution 2010-045
 - Directs PC to begin reviewing Section 9/VI Reg’s
 - Includes “Exhibit A”
 - Details 12 Key Points to Review
 - Included in Provided Packets
 - Also included a “draft” of possible changes to Section 9 – Prepared by BOCC

Planning Commission Work Sessions

- PC - Held a series of work sessions. 2-3 a month starting in December of 2010
- All work sessions included time for comment by members of the public
- Reviewed all issues as directed by BOCC in the *Resolution and Exhibit A*
- Multiple “field trips” around the county to review issues on the ground
- Voted to move to draft regulations to public hearing on: January 15, 2013

PLANNING COMMISSION PRESENTATION

Purpose

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

Proposed Revision

- Added "Blending"
- Removed Protecting County's Property Values

9.2 Compliance Differences

Added mandatory blending of exteriors of new construction, remodels, additions and reconstructions.

Added exemptions for:

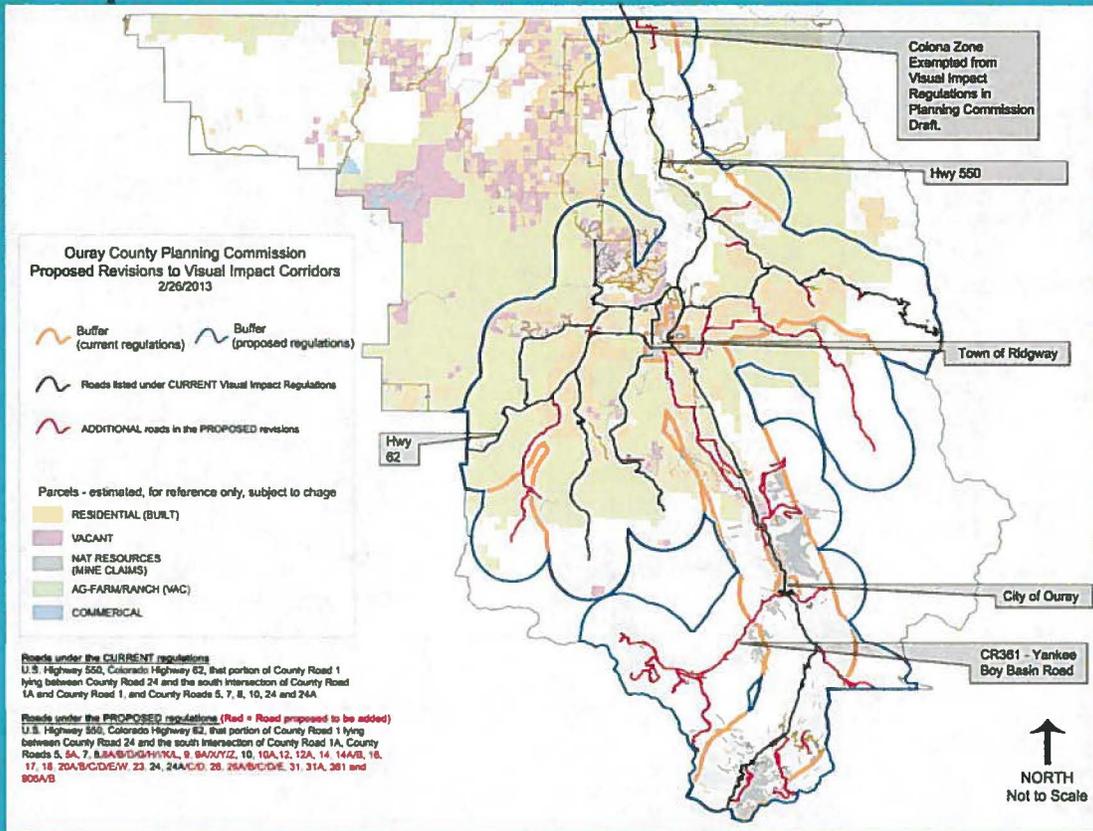
- Maintenance
- Transparent and short (4' or less) fences
- Remodels, additions and reconstruction of existing structures that violate the skyline breakage rule
- Remodels, additions and reconstruction of existing structures that violate the setback rule
- Colona Zone
- Setbacks within subdivisions approved prior to adoption of this revision
- Historically accurate structures, such as ranch homes or mining type structures
- 100 foot setback when visual impacts are reduced

Removed continued compliance requirement

9.3 Criteria and Standards Differences

- **Added those county roads that have similar characteristics as roads already designated as Visual Impact Corridors.**
- All proposed structures shall be at least one hundred (100) feet from the centerline of U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A, County Roads 5, 5A, 7, 8, 8A/B/D/G/H/I/K/L, 9, 9A/X/Y/Z, 10, 10A, 12, 12A, 14, 14A/B, 16, 17, 18, 20A/B/C/D/E/W, 23, 24, 24A/C/D, 26, 26A/B/C/D/E, 31, 31A, 361 and 906A/B unless siting the structure at less than 100 feet from the centerline reduces visual impacts.
- **Also clarified how Visual Impact Corridors are measured.**

Proposed VI Corridor



9.3 Criteria and Standards Differences

- Clarified the skyline breakage allowance and added an exemption for additional skyline breakage under limited conditions.
- Clarified measurement of setback from escarpment edge.
- Clarified that analysis shall be done as under summer conditions.

9.3 Criteria and Standards Differences

Revised the point system to:

- Reduce structure size impact point calculations by excluding non-visible portions of the structure
- Reduce height impact point calculations by using a weighted average height instead of maximum height and described how the weighted average height is calculated
- Remove mitigation points for lot size
- Simplify calculation of natural screening points and reduce the number of available points by 2

9.3 Criteria and Standards Differences

Revised the point system to:

- Increase mitigation points by 6 for distance from road, particularly in the first 600 feet
- Reduce mitigation points for additional screening but allow doubling of mitigation points when there is very limited natural screening
- Add a mitigation point for conforming parcels
- Add mitigation points for reduction of apparent mass of the structure
- Increased, from 5 to 6 points, the maximum allowed per structure.

Sec. 9.4 Process for Review Differences

- Changed “Building Official” to “Land Use Staff”

9.5 Submittal Requirements Differences

- Added these specific requirements:
 - Scaled site plan showing proposed location (footprint) of all proposed construction.
 - Elevation drawings of proposed structures with height and square footage.
 - Color samples for roof, walls, garage doors, and trim.

9.6 Definitions Differences

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

Definition of Apparent Massing

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

Definition of Blending

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

9.7 Additional Standards

9.8 Covenants Relating to Visual Impact....Differences

These sections have been renumbered without changes.
Updated references to other Land Use Code sections.

9.8 Alternate Energy Structures

This is an entirely new section.

ADMINISTRATION OF THE PROPOSED REVISION

"The Nuts and Bolts"

Code Administration of
Point system
Skyline break
Exemptions

Existing Code vs. Planning Commission Draft

IMPACT POINTS; SIZE OF STRUCTURE:

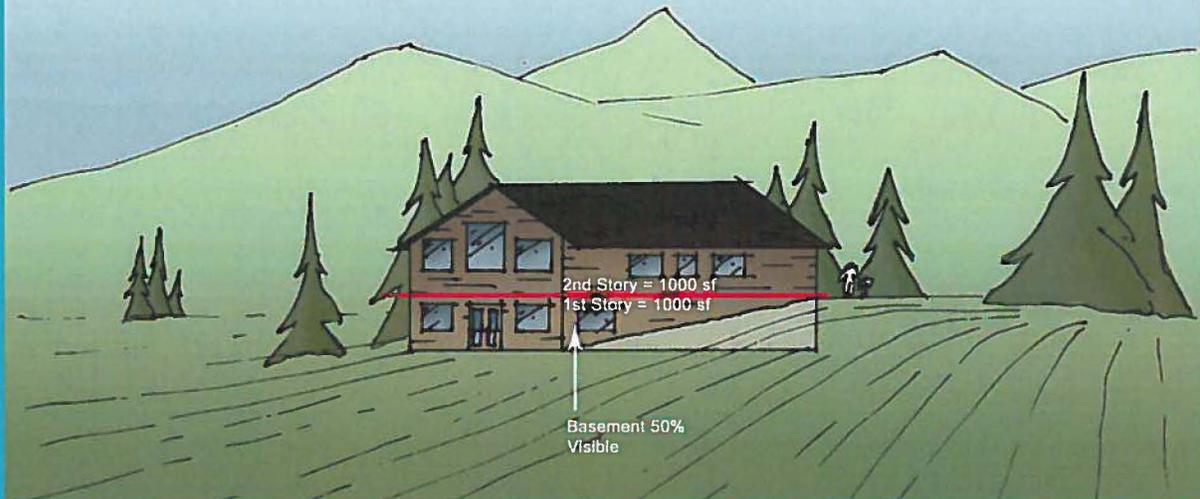
EXISTING CODE:

2000 sf X .001 = **2 pts**

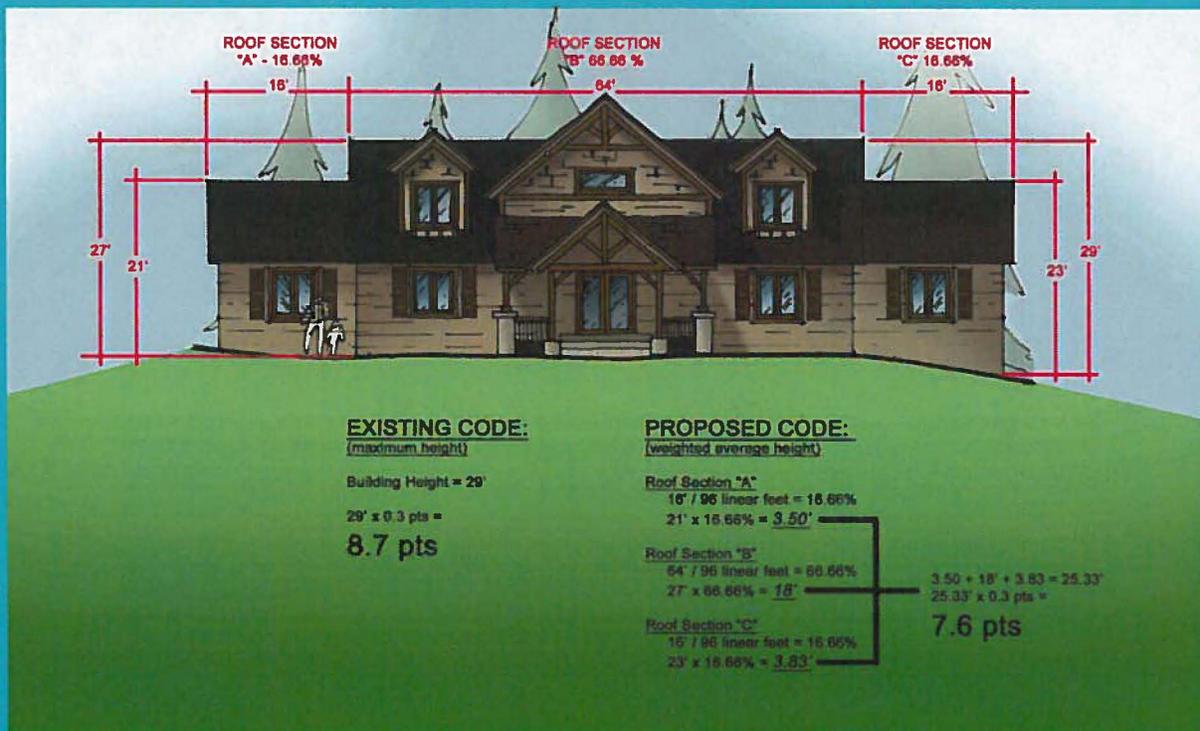
PROPOSED CODE:

"Excludes non-visible basements"

1st Story - 1000 sf
 2nd Story - 50 % non-visible, so 500 sf
 Total of 1500 sf x .001 = **1.5 pts**



IMPACT POINTS; HEIGHT OF STRUCTURE



MITIGATION POINTS; NATURAL SCREENING

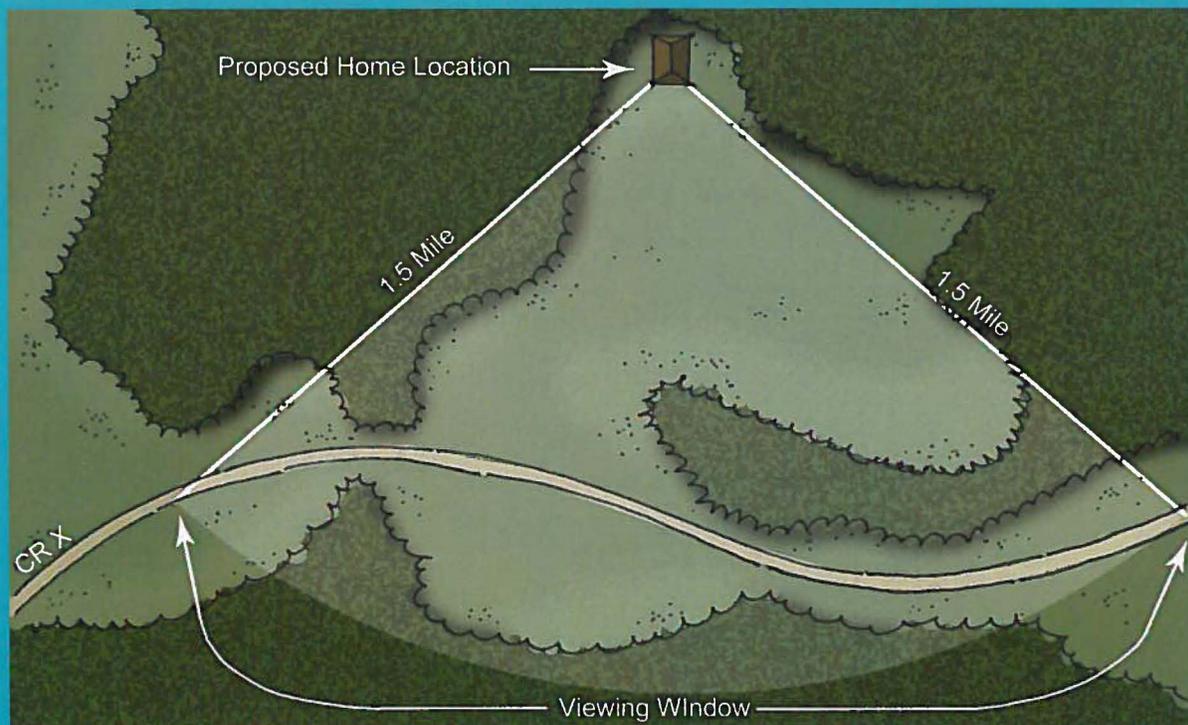
Process is the same

Method to assign points is the only change proposed.



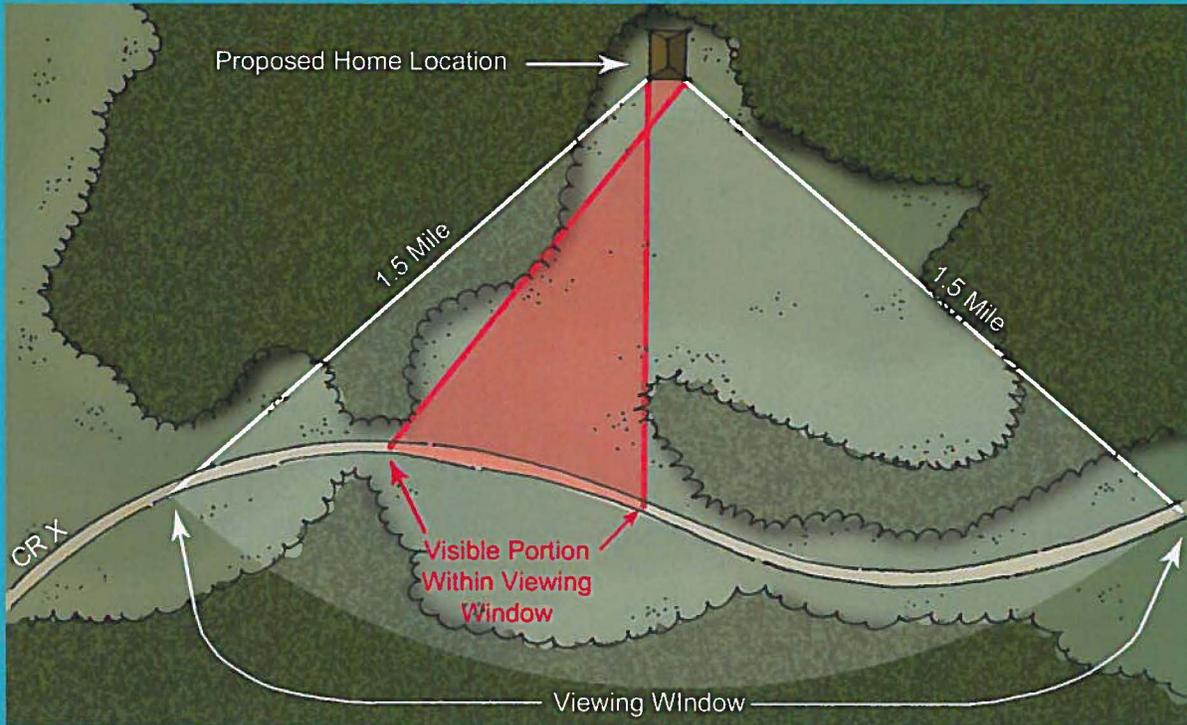
MITIGATION POINTS; NATURAL SCREENING

Step #1 – Establish the "Viewing Window"



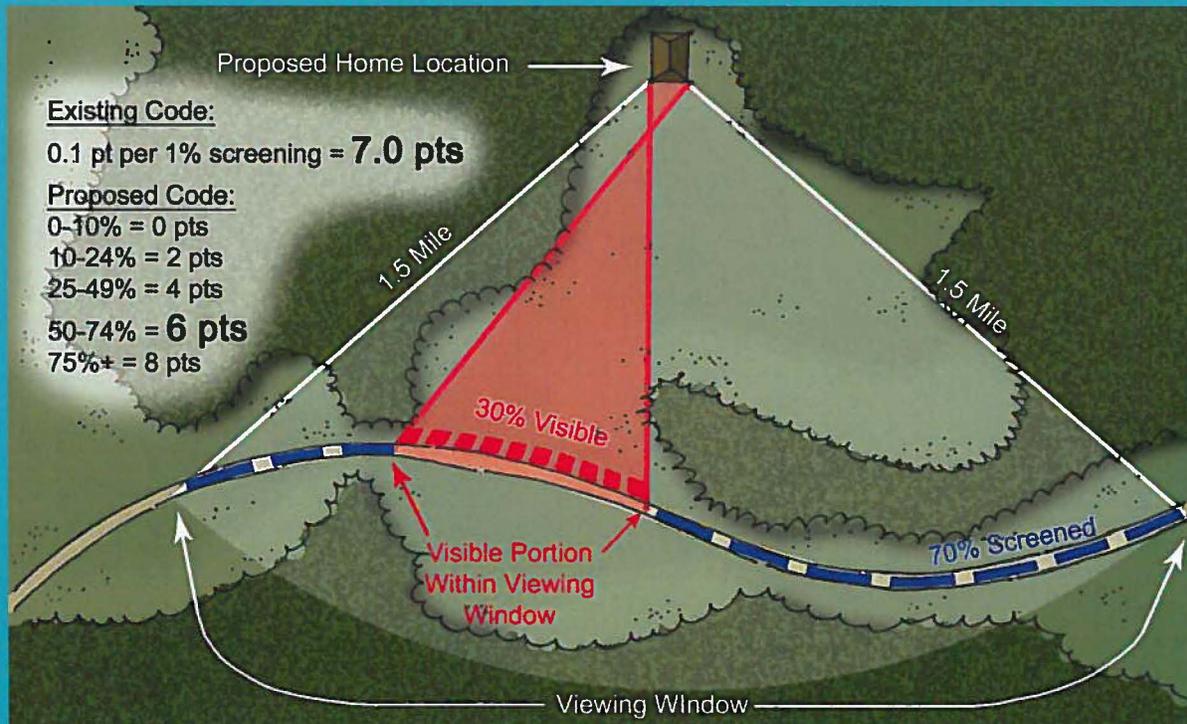
MITIGATION POINTS; NATURAL SCREENING

Step #2 – Establish the visible portion of the “Viewing Window”



MITIGATION POINTS; NATURAL SCREENING

Step #3 – Calculate Percentages



MITIGATION POINTS; BLENDING

Existing Code: Blending = 3 points

Proposed Code: Blending is mandatory (0 points)



MITIGATION POINTS; DISTANCE FROM ROAD

Existing Code:

1 Mile = 2.0 Mitigation Points



MITIGATION POINTS; DISTANCE FROM ROAD



MITIGATION POINTS; PUD

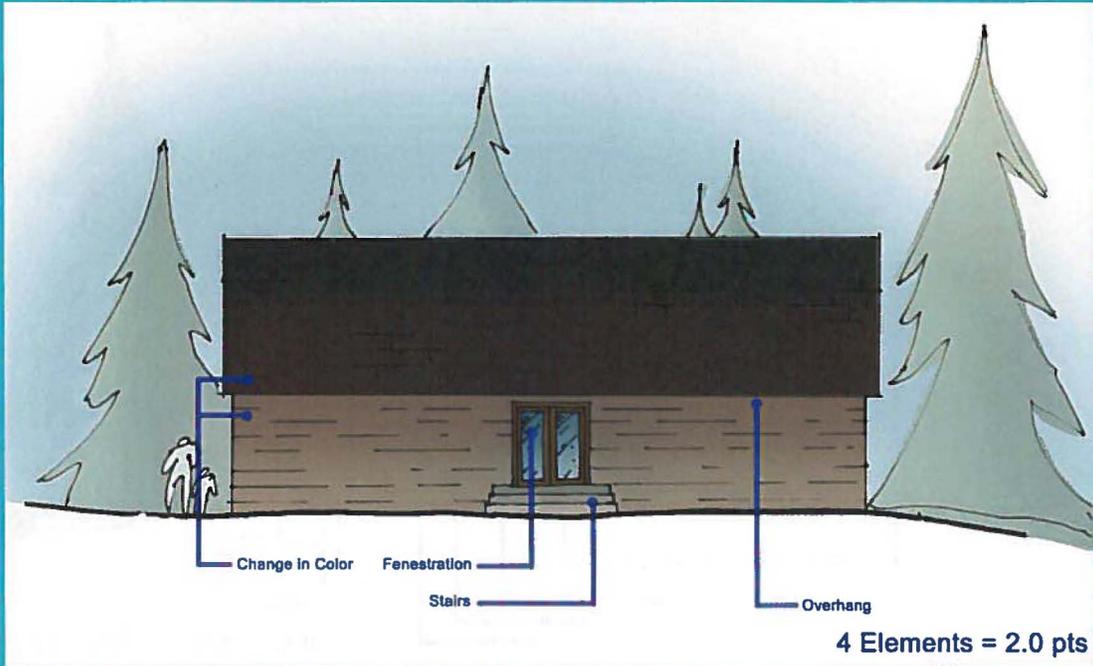
CHANGES:

- Draft eliminates the 1986 date restriction; so, all projects within an existing subdivision or PUD would receive 1 mitigation point.
- Additionally, all projects located on a “Conforming”* parcel, would receive 1 mitigation point.

* “Conforming” that the parcel size complies with the underlying zoning and/or was legally created and approved through the County (i.e., Exemption parcels).

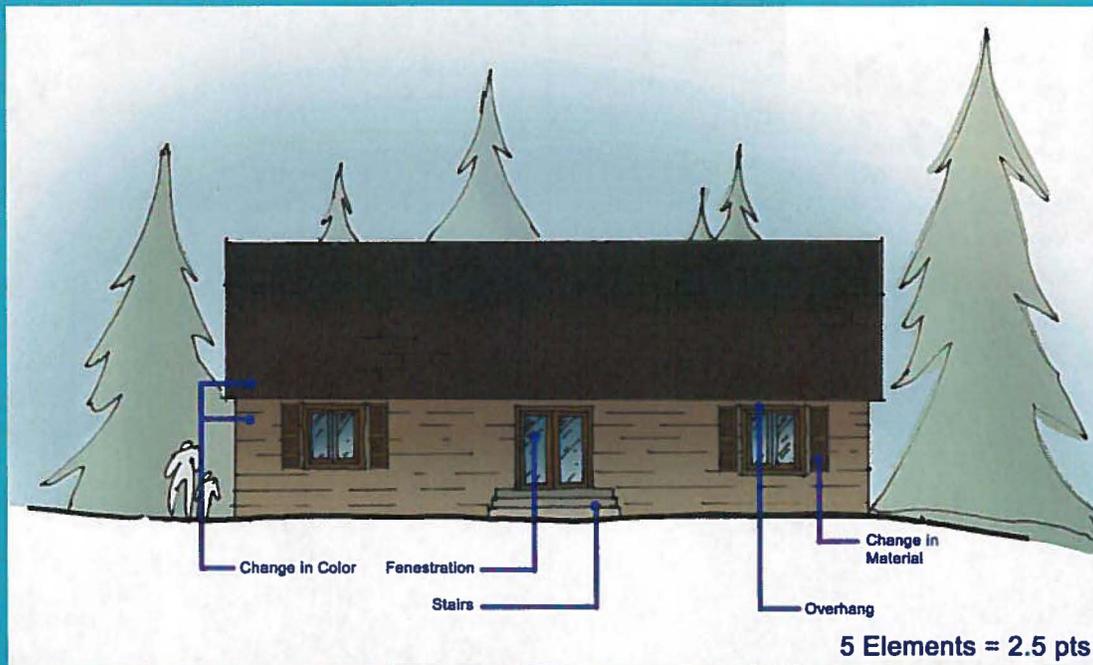
MITIGATION POINTS; BUILDING MASS

(NOT IN EXISTING CODE)



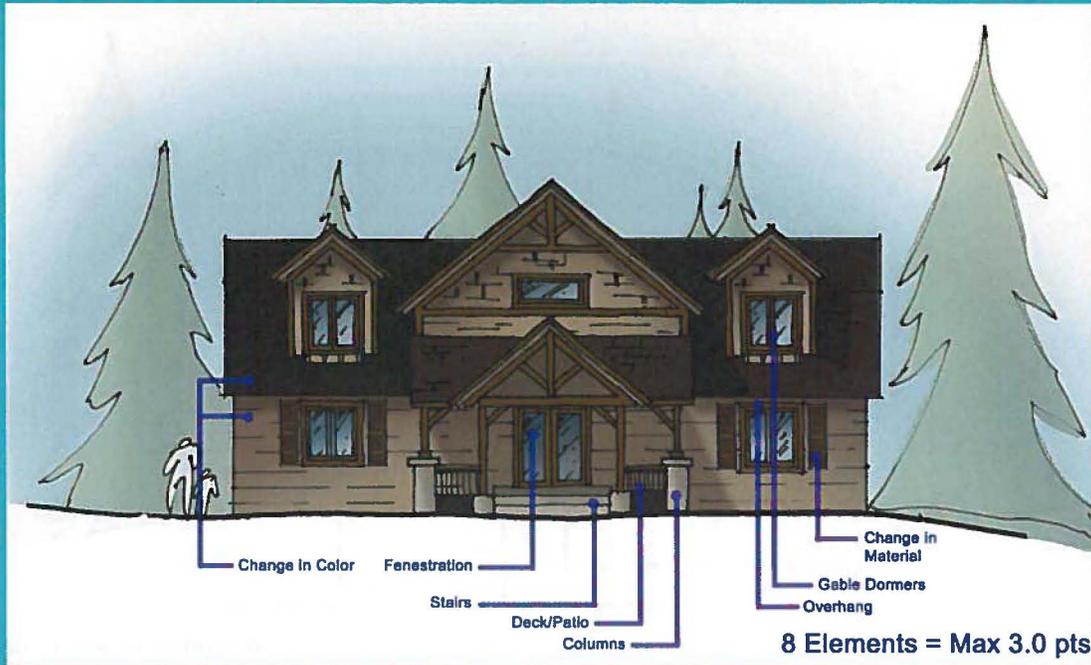
MITIGATION POINTS; BUILDING MASS

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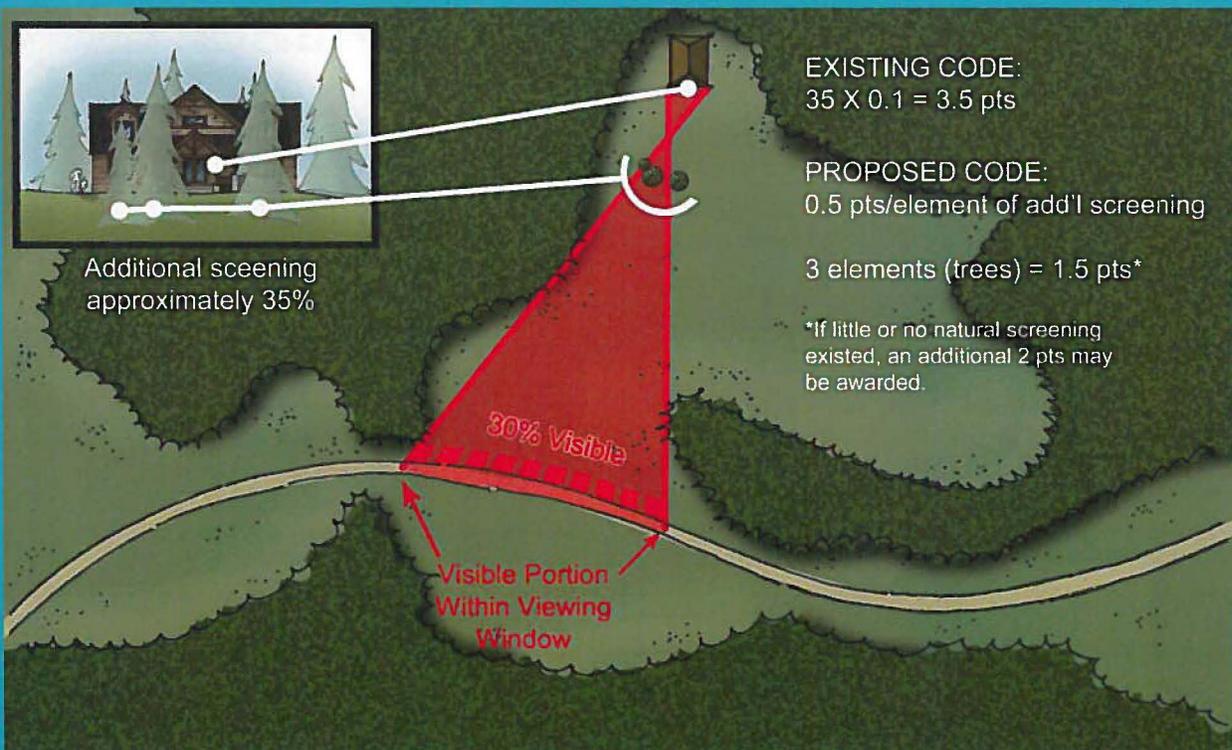


MITIGATION POINTS; BUILDING MASS

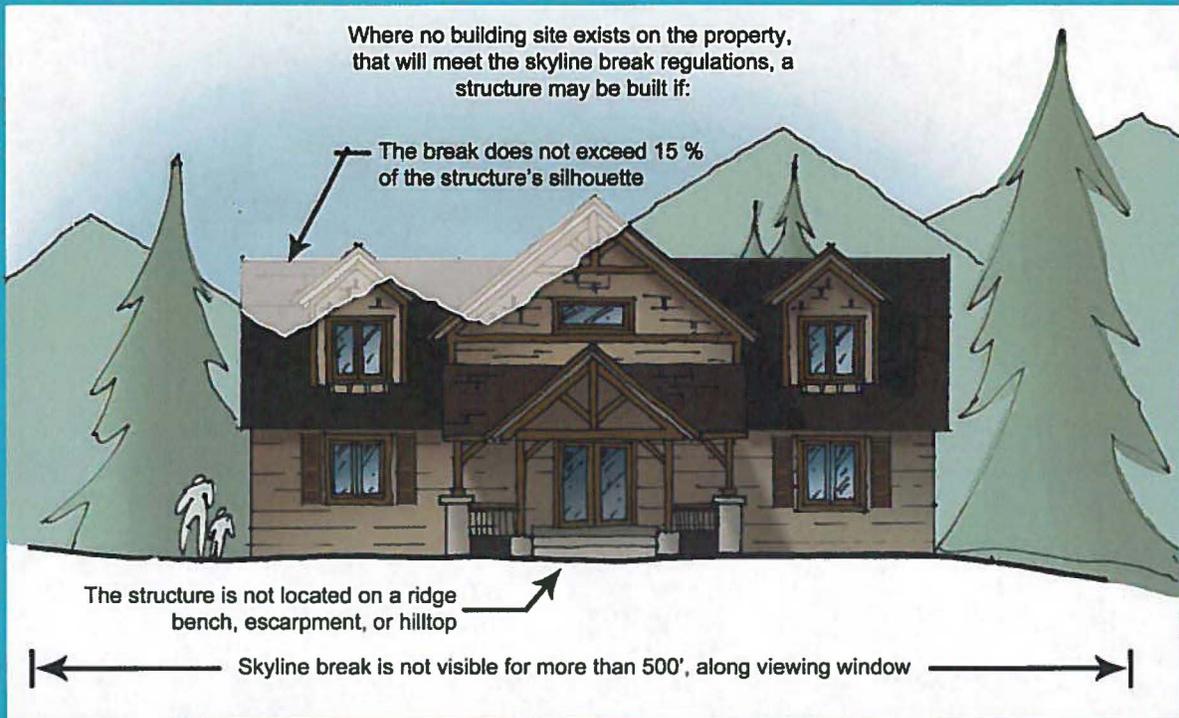
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MITIGATION POINTS; ADDITIONAL SCREENING



CHANGE TO SKYLINE BREAK:



EXEMPTIONS: MINING STRUCTURES AND AGRICULTURE



- Exempt, if NOT located on a bench, ridge, escarpment, or hilltop.
- Current Code: ridge, escarpment
- Proposed: ridge, escarpment, bench, hilltop

EXEMPTIONS: NEW STRUCTURES THAT ARE HISTORICALLY ACCURATE: (NOT IN EXISTING CODE)



- Exempt, from blending, if:
- Consistent in design, style, and color to structures built prior to 1920
- Located within 1 mile of similar historical structures