

**EXHIBIT F1 – WRITTEN STATEMENTS FROM PLANNING** *COMMISSIONERS*

Statement of Position to be included as part of the record for the Planning Commission Public Hearing  
and Deliberation on Proposed Visual Impact Regulations  
Submitted by Randy Parker  
March 21, 2013

**WHAT WAS THE PLANNING COMMISSION ASKED TO DO?**

BOCC Resolution #2010-045 requested that the PC review the draft Section 9 language prepared by the BOCC, as well as, the current Section 9 and deliberate on the topics described on Exhibit A to the Resolution. Exhibit A contains twelve separate topics for the PC to consider and answer in preparing any proposed changes to the current Visual Impact Regulations.

**DID WE DO IT?**

The PC's proposed changes address each of the twelve items attached to the BOCC Resolution. I reviewed each of these items in detail in a separate document entitled "Review of BOCC Resolution 2010-045 Revisions to Visual Impact Regulations Initially presented at January 15, 2013 PC Meeting." This document was distributed at the Public Hearing and is included in the public record (See review of BOCC Resolution 2010-045 prepared by Randy Parker).

**MY VOTE**

Reasonable people can, did and do differ on the PC proposal. While it took the PC more than two years to comply with the Resolution and answer the twelve specific items, it is important to note that the PC members debated every item in the proposal in public and actively have sought to address the concerns raised by the public, including those concerns raised as part of this public hearing.

In my opinion the PC proposal as amended tonight addresses these concerns, measures visual impact more accurately, provides more effective incentives to reduce visual impact, is clearer, less vague, provides more objective standards for measuring and enforcing visual impact and accomplishes the goal stated in Section J of the Master Plan:

To protect and preserve visually significant and sensitive areas of Ouray County that provide the scenic backdrops and vistas that all residents and visitors of Ouray County enjoy.

I therefore vote to recommend approval by the BOCC of the proposed changes as amended to Section 9 of the Land Use Code.

**REASONS FOR MY VOTE**

In reaching this conclusion I have been guided by the following basic principles and have given significant weight to the referred to documents:

**ONE OF THE MOST RELIABLE PREDICTORS OF FUTURE PERFORMANCE IS PAST PERFORMANCE**

Using this principle I compared the current VIR and its' fifteen year history to the PC proposal to see what this might tell us about the impact of the proposed changes to the VIR and the likelihood that concerns expressed about the PC proposed changes will actually occur.

A. During both the BOCC's workshops and public forums and the PC's workshops over the last several

years, the building community, the realtors, the county land use staff and the general public have repeatedly stated that the current VIR has been effective in protecting views of visually significant areas from the current view corridors and that the point system and the peek-a-boo skyline breakage rules have also generally worked well. During the PC deliberations when reviewing proposed changes I asked the following questions: 1) is it consistent with the Master Plan: is it as fair as the current VIR; 3) will it be easier to administer and enforce; and 4) does it address concerns raised about the current VIR. If I could not answer yes to each of these questions, I did not support the proposed changes.

B. The criteria set forth in the BOCC Resolution for evaluating additional roads was used by the PC to evaluate each proposed additional road and all of the current roads. While the criteria are admittedly subjective, no alternative criteria, other than economic factors which were never developed, were proposed. The PC proposal only adds roads which meet or exceed the numeric values for the criteria suggested by the BOCC on the roads currently included as visual impact corridor (See 2011 VIR Expansion of CR Data, Dated 21 June 2011).

C. Even a casual observation, of the map prepared by the Land Use Office and used at the Public Hearing to show the current visual impact corridors and the proposed additional corridors, clearly demonstrates that the view corridors created by the current roads cover more area than the additional visual impact corridors created by the proposed additional roads (See Visual Impact Corridor Map). While the number of additional roads are greater than the number of current roads, many of the additional roads are short and, therefore, the result is that the total road miles covered by the current visual impact corridors and the total road miles covered by the proposed additional corridors are substantially similar. The Corridor Map also demonstrates that the terrain traversed by the roads in the current corridors and the proposed additional corridors are a substantially similar.

D. The Corridor Map highlights the fact that a significant portion of the County is not protected by the current visual impact corridors and that this unprotected area includes some of the most visually significant and sensitive areas in our County. For example, the Camp Bird Road leading to Yankee Boy Basin (CR 361) is not protected.

It is important to remember how the current review of VIR began. Several years ago members of the public expressed concern to the then BOCC members about a house being constructed on a ridge overlooking the Ouray Hot Springs. To address these concerns the PC and the BOCC held public meetings on a proposed new zoning district covering development on mining claims in the south alpine area of the County (proposed Section 30 to the Land Use Code). At a packed public meeting in the Ouray County Courthouse, those opposed to the new zoning district and their spokespersons argued that the County has good regulations that need to be fairly applied across the County and that the new south alpine zone should not be created. After hearing these arguments the BOCC shelved work on Section 30 and undertook its' own review of the current VIR. On November 1, 2010 after reaching consensus on certain topics and portions of VIR the BOCC requested the PC review the BOCC's draft VIR and deliberate on twelve specific items.

It is very interesting that one of the frequent criticism raised against the PC proposal is that the PC is seeking to develop a one size fits all solution. This certainly is not the case. The PC is merely seeking to fairly apply the essence of the existing VIR across the County while correcting the subjectivity and vagueness in the current language identified by the building community, the land use staff and the general public.

The failure to apply VIR to roads in the County which are substantially similar to roads which are currently protected would be to ignore the directions in the BOCC's Resolution and fail to follow the stated purpose of the County Master Plan, which is to function as

“...a comprehensive long range guide...to be used in making decisions

that effect the physical, cultural and socioeconomic development of Ouray County.”

E. What does the fifteen year history of the current VIR tell us about the concerns being raised by those opposed to the expansion of the VIR corridors? First, in the last fifteen years, several of which were during a major building boom, land owners applied for only three variances from the VIR. Two were approved and the third was denied for safety reasons (See Summary of Variance Request 1997-2012). Therefore since the area covered by the current VIR is larger or at least as large as the proposed additional corridors and covers similar terrain, the argument that the expansion of visual impact corridors will result in numerous variance applications is not supported by the facts. Second, the argument that the expansion of the VI corridors will cause property values to go down is also not supported by the history of the last fifteen years. The only data which I have seen on property values is from the Ouray County assessor's office and shows the property value data based on sales from 2004-2012. Any fair reading of this data supports the conclusion that the highest valued properties in the County are in the current view corridors (See County Assessor's Land Value Data 2004-2012). A third argument being raised is that hundreds of nonconforming structures will be created if additional roads are added as visual impact corridors. The historic data does not support this assertion (See Expansion of Nonconforming Structures and Parcels). A final argument offered against the PC proposal is that it will make it more expensive to build. No evidence was offered by the opposition that over the last fifteen years the cost of construction in the current VI corridors was more than building during the same period in other areas of the County.

## **THE COUNTY MASTER PLAN MUST BE OUR GUIDE FOR LONG TERM PLANNING**

The Master Plan requires that the PC “Maintain strong visual impact regulations” and “Develop and implement strategies for the protection and preservation of critical scenic vistas.” The proposed VIR accomplish the Master Plan's stated goals of protecting and preserving visually significant and sensitive areas of Ouray County.

## **BLENDING IS THE MOST EFFECTIVE TOOL IN REDUCING VISUAL IMPACT**

The BOCC asked the PC to analyze the point system as a whole to determine if it achieves the overall goal of “blending.” The BOCC in its' May 18, 2010 draft determined that blending was critical to reduce visual impact and therefore made blending mandatory. Similarly the PC concluded that the only way to insure the overall goal of blending would be met under a point system is to make blending mandatory. If blending is merely one of many options under the point system some buildings, particularly smaller structures which may not need the mitigation points from blending to comply with VIR, may choose not to blend and could have a significant visual impact. The PC proposal while making blending mandatory clarifies and expands the definition of blending making it easier to enforce.

## **DISTANCE FROM THE ROAD MATTERS**

After reviewing presentations by the land use staff and participating in field trips with the PC, it became very clear that in most cases the further a structure was from the view corridor (ie the road) the less the visual impact. By providing additional mitigation points for increasing a structure's set back beyond the 100 foot minimum, the proposed point system can significantly help reduce visual impact. The PC proposal provides incentives for moving a structure back 200, 400, and 600 feet from the road, plus additional incentives for each .25 miles from the road. While the current point system provides a

similar incentive for each quarter mile the structure is from the road, it does not include an incentive for placing a structure 200, 400 or 600 feet from the road. Under the current point system no mitigation points are awarded for distance from the road until a structure is set back by more than 1300 feet.

It is important to recognize that the only minimum set back in the PC proposal is 100 feet, which is the same requirement under the current VIR.

### **LANDSCAPING, SCREENING NOT NATURAL TO THE SITE, IS ONE OF THE LEAST EFFECTIVE AND LEAST PERMANENT TOOLS IN REDUCING VISUAL IMPACT**

Trees and plants die and to provide effective screening are expensive and often must be replaced. The current point system awards the same maximum number of points for both natural screening and landscaping. The PC proposed point system weights natural screening twice as heavily as landscaping and simplifies the measuring process for both to make it easier for staff to evaluate in the field.

### **APPARENT AND/OR PERCEIVED BUILDING MASSING CAN BE VERY EFFECTIVE IN REDUCING VISUAL IMPACT**

While Larry Kumpost was a member of the PC, he gave a very effective power point presentation demonstrating how varied roof lines, dormers, porches and other shading and shadowing techniques can reduce a structures' apparent or perceived mass (See Larry Kumpost's Power Point Massing presentation). The PC point proposal incorporates the apparent and/or perceived building massing techniques as an option for mitigating visual impact.

### **THE CURRENT POINT SYSTEM HAS GENERALLY WORKED WELL**

The Ad Hoc builder's committee and numerous members of the public advised both the BOCC and the PC that the current point system has worked well, but needed some adjustments. The PC proposal includes a point system which permits flexibility for land owners while accomplishing the goal of protecting Ouray County's unique scenic beauty. The proposed point system contains changes in the manner impact points are calculated in order to make them more reflective of the structure's actual visual impact, ie. using the weighted average height of the structure and excluding non visible basements, and changes the way the mitigation points are awarded to reward those options which measurably reduce visual impact and are the most long lasting. In making these changes the PC was guided by the desire to insure that any changes to the point system did not make it any harder to build than under the current point system. The PC with the assistance of the land use office verified that all of the homes which were built in the current VIR corridors from January 2009 to December 2012 and for which there was a VIR summary report in the file would also pass under the proposed point system (See 2012 October Point System Analysis Tool Detailed, excel).

### **STRUCTURES ON RIDGES, HILLS, BENCHES AND ESCARPMENTS GENERALLY HAVE A GREATER VISUAL IMPACT THAN THOSE WHICH ARE NOT ON RIDGES, HILLS, BENCHES AND ESCARPMENTS**

### **COMMON SENSE EXCEPTIONS WHICH ADDRESS CONCERNS OF PC MEMBERS AND MEMBERS OF THE GENERAL PUBLIC AND WHICH DO NOT UNDERMINE THE BASIC PRINCIPALS OF THE LAND USE CODE SHOULD BE INCLUDED IN THE PROPOSAL**

While the history of the current VIR reveals only three variances were sought in fifteen years in order to provide additional flexibility to land owners without requiring them to go through the variance process the PC proposal includes a number of exceptions which are not included in the current VIR. These exceptions were proposed in an effort to build a broader consensus and were narrowly drawn because the data reviewed by the PC indicates that the need for these exceptions would be a limited.

**EVERYONE'S OPINION AND COMMENTS MATTER**

The PC has worked very hard to take into account comments and opinions offered by other PC members and the general public during this lengthy process. In my opinion greater weight must be given to those opinions and comments, whether for or against, which are supported by objective verifiable facts and which are consistent with the fifteen year history of the current VIR.

General Observations by Randy Parker following the public comment portion of the Public Hearing on the PC proposed visual impact regulations. March 21, 2013

After listening to the public comments both for and against the proposed visual impact regulations it appears there is much upon which everyone agrees.

### **WHERE DO WE AGREE**

1. We live in a spectacularly beautiful area
2. Ouray County's unsurpassed natural beauty is one of the primary reasons people come to Ouray County to visit, to play, and ultimately to live.
3. The citizens of Ouray County value its' natural scenic beauty and have historically done a good job protecting and preserving what the Master Plan identifies as "...the visually significant and sensitive areas of the County that provide the scenic backdrop and vistas that all residents and visitors of Ouray County enjoy."
4. The current visual impact regulations have generally done a good job in helping to protect and preserve these "significant and sensitive areas" in the existing view corridors.
5. The current view corridors do not cover all of the roads or all of the land in Ouray County.
6. Homes built outside of the current view corridors are not subject to, and do not have to comply with, the current visual impact regulations.

These are the facts on which we can all agree.

### **WHERE DO WE DISAGREE**

The concerns raised during the public hearing and in the public written comments can be separated into two broad categories.

One group of concerns are centered around the belief that the current regulations have done a good job and need only a few minor changes, that there is no compelling reason to add roads to the current view corridors, that if additional roads are added significant numbers of non-conforming structures will be created and these non-conforming structures will present serious problems, property values will decrease and taxes will likely increase.

The other group of concerns focus on the fact that the current regulations protect only a fraction of the County, that if the proposed changes are not adopted homes will be built in the unregulated areas of the County that could compete with the natural scenic backdrop and vistas and that these homes would diminish Ouray County's most valuable asset, and that this will negatively impact the underpinnings of our economy.

The first group described the proposed changes as A SOLUTION IN SEARCH OF A PROBLEM.

The second group described the proposed changes as A SOLUTION TO A PREDICTABLE PROBLEM.

These two competing views make it clear to me that the BOCC, which assigned the PC the task of reviewing the current visual impact regulations, and the PC did not do an adequate job of informing the public of the factual basis that supports the need for changes to our current VIR.

If we cannot agree on the need to protect any portion of the County outside of the existing view corridors, there is little chance that we will be able to agree on any of the changes to the VIR.

## **FACTS SUPPORTING THE NEED FOR ADDITIONAL VIR PROTECTION**

### **POPULATION TRENDS**

The 1990 US census lists the population of Ouray County at 2,295. The 2010 US census lists the population of Ouray County at 4,436. This represents an average increase of approximately 4.7% per year.

The Ouray County website lists our County population at approximately 4,560. This represents a 5% per year average growth rate for the last two years.

If these growth rates continue Ouray County can expect an average growth rate of between 4.7 and 5% for the next 20 years. Based on these predicted growth rates our population will double in the next 20 years.

### **THEOBALD STUDY**

This Ouray County build-out analysis was conducted in 2008 and was based upon Ouray County population trends and land use data. The study concluded that with a 4.7% growth rate an additional 4000 homes will be constructed in Ouray County by 2025. A companion study by the Rural Planning Institute provided a fiscal analysis of this predicted growth. According to the Ouray County Study Group which reviewed both the Theobald and RPI studies, the findings were intended to be used by the BOCC and other county officials and boards, including the PC, in their strategic planning.

### **TELLURIDE FOUNDATION ALTERNATE FUTURES STUDY**

The Graduate Schools of Design at Harvard University and the Massachusetts Institute of Technology undertook a study funded by the Telluride Foundation to understand and model regional scale economic, ecological and community interactions to assist regional community leaders in making decisions that might affect the future of the region.

The study examined visual preference factors and found that mountain views, natural scenic views, and distance views were all positive factors and that new development views were a negative factor. The study concluded that these factors are especially important in near views from public roads.

The study which was conducted in 2008 concluded that Telluride and Mountain Village would effectively build out in 10 years, that Telluride and Mountain Village were already exporting the demand for housing, and that this will increase the demand for housing in Ouray County. The study found that the magnitude, scale and speed of development, together with its' resulting impacts, will require thoughtful, fact based and farsighted decisions from community leaders.

One of the final conclusions of the study was that it would be a challenge to maintain the character of the region, including Ouray County, and that it was highly likely that the landscape would change from one of isolated urban areas separated by beautiful natural landscapes to a more generalized urbanized landscape. The study found that this will be especially the case in the public views from the region's roads and that this could negatively impact the perception of the region, including Ouray County, as an attractive destination which in turn could negatively impact Ouray County's economic future.

The population trends for the last 20 years and the Telluride, RPI and Theobald Studies predict that thousands of additional people are likely to move to Ouray County in the next 10 to 20 years. And that thousands of additional homes will likely be constructed in the same 10 to 20 year time period to accommodate this influx of people. While the time projections may be stretched over a few additional years because of the recent recession, all of these factors indicate that thoughtful, farsighted fact-based

strategic planning will be necessary in order to preserve the unsurpassed natural and historical beauty of our County.

## HOW THE CURRENT REVIEW PROCESS BEGAN

It is important to remember that the current review of the VIR was begun by the BOCC in response to a failed attempt to address citizen concerns about residential development on mining claims in the south end of the County. After abandoning the proposed south alpine zone, the BOCC sought to protect the south alpine area as part of a proposed revision to the current vVIR which included expanding the visual impact corridors to include all County roads and making blending mandatory. The BOCC directed the PC to review the current VIR, the BOCC draft VIR and to address a series of specific items.

The BOCC specifically requested that the PC determine whether expansion of VIR to other visual impact corridors was necessary and appropriate and to base its' determination of four specific criteria: 1) the amount of private land and potential for future development; 2) direct access routes to public land; 3) economic benefits important for recreational tourism and the regional and local economy; and 4) visually significant areas classified as classic Ouray County vistas including agricultural vistas essential to Ouray County's character.

As part of its' deliberative process the PC collected data on all numbered County roads using the criteria specified by the BOCC. The PC then analyzed and evaluated each numbered road and compared these roads to the roads in the existing visual impact corridors. The PC proposal only includes those additional roads which met or exceeded the numerical values for the roads currently included as visual impact corridors. Many of these roads are in the south end of the County and if they are not added there will be no visual impact requirements for new homes constructed on these roads.

The failure to apply VIR to roads which are substantially similar to the roads currently protected would be to ignore the directions in the BOCC Resolution and to fail to follow the stated purpose of the Master Plan.

## **FACTS OFFERED WHICH DO NOT SUPPORT THE NEED FOR ADDITIONAL VIR PROTECTION**

### NO NEED

The lynch pin of the argument that there is no need for additional VIR protection is that the current regulations are doing the job of protecting Ouray County's spectacular natural beauty. This task has, therefore, been accomplished, no further protection is necessary, and the proposal offered by the PC will harm our economy and hurt our residents.

While everyone agrees that the current VIR are protecting the significant and sensitive areas in the current view corridors, they cannot and do not protect the sensitive and significant areas outside of the current view corridors. Implicit in the argument that there is no need for additional protection is the assumption that the areas outside of the current view corridors do not warrant protection. No facts were offered to support this conclusion. No facts were offered to dispute the population and housing growth projections in the Theobald, RPI and Telluride Foundation studies. The facts which were offered seem to be limited to addressing concerns about the reasonableness of the scope and the provisions in the PC proposal.

## REASONABLENESS OF THE SCOPE OF THE PC PROPOSAL

Several members of the public expressed concern about the reasonableness of the proposed

expansion by focusing on the number of roads in the current visual impact corridors and the number of additional roads included in the PC proposal. This comparison misses the big picture. A significant number of additional roads are proposed to be added; however, the map presented by the land use staff shows that the linear miles of road in the current visual impact corridors and the proposed expansion are substantially similar, approximately 100 miles. Another way to state this is to say that the scope of the proposed expansion is roughly the same as the scope of the existing visual impact corridors.

According to the homepage of the Ouray County website Ouray County covers 542 square miles. At the outset of the PC's review process a map was presented showing that the existing view corridors cover 211 square miles. This means that the current VIR apply to less than 40% of Ouray County. Another way of stating this is that in more than 60% in Ouray County a new home can be built without having to comply with VIR.

The analysis by the PC of all County roads clearly demonstrates, using the criteria suggested by the BOCC, that there are a significant number of roads which are not only substantially similar to the roads which are currently protected by the VIR, but that these similar roads contain visually significant and sensitive areas which deserve to be protected. Those who believe that there is no need to expand visual impact corridors have not offered any factual basis to differentiate between the roads in the current view corridors and those in the proposed additional view corridors.

Some of the individuals argued that there is no compelling reason now for the proposed expansion of visual impact corridors. This argument fails to take into account not only the specific instructions from the BOCC, but also fails to consider the requirements of the Master Plan, as well as, the basic function of the PC. We are not members of a crisis commission, we are members of a planning commission. Our job is to look into the future and develop a plan to deal with the foreseeable growth in a manner which is consistent with the goals and objectives stated in the Master Plan.

It is not about slowing growth or having no growth, it's about making sure that future growth will be respectful of Ouray County's spectacular natural beauty, because as one member of the public said, "once it's gone, it's gone."

## REGULATORY PHILOSOPHY

It was stated in the realtor's presentation that 144 new homes have been built in the last several years outside of the existing view corridors, that none of these homes have created a problem by competing with our scenic vistas for the viewers' attention and that no one moves to Ouray County to destroy it. Essentially this argument boils down to a belief that there is no need to regulate visual impact. People who build in the unprotected areas of Ouray County will always do the right thing.

All of Ouray County's zoning and land use regulations involve a balancing of individual landowners' property rights and the rights of the County to impose reasonable regulations to manage growth in a responsible manner consistent with the goals and objectives of the Master Plan.

## NON-CONFORMING STRUCTURES

Concerns were raised about the reasonableness of the PC proposal based on the opinion that the proposal would create a significant number of non-conforming structures and that these non-conforming structures would have a significant adverse impact on the economic future of Ouray County and its' citizens. No factual data was offered to support these concerns.

These concerns are directly contrary to the data reviewed by the PC on non-conforming structures and non-conforming parcels. The data shows that a significant number of non-conforming structures will not be created.

The number of non-conforming structures and parcels was confirmed by a PC field trip to a number of the proposed roads and a number of the current roads.

While the proposed expansion of visual impact corridors will create some non-conforming structures, the numbers are similar to the numbers which were created when the original visual impact corridors were established. Non-conforming structures are regularly created when a land use code is changed. For example, when new setbacks are established. It is the method used to permit existing structures to remain, while requiring new structures to comply with the newly established standards. This is not unique to VIR.

It is instructive to look at the history of non-conforming structures under the current VIR. In the fifteen year history, only one non-conforming structure applied for a variance. It was a preexisting structure which broke the skyline. This home was damaged by fire and the owner wanted to rebuild. The proposed reconstruction was going to increase the skyline breakage of the damaged building. The homeowner applied for a variance and it was granted.

Therefore, there is no factual basis for the belief that a significant number of non-conforming structures will be created and no history of non-conforming structures having been a problem in the current visual impact corridors.

To the extent that the predictions about a decrease in property values and a possible increase in property taxes flow from the concerns about non-conforming structures being a significant problem, it appears that these concerns are based upon an unsupported premise.

If the concerns about decreased property values and increased taxes are based on a belief that VIR generally cause property values to decline, the data from the County Assessor's office does not support this conclusion. The data reviewed by the PC clearly demonstrates that properties in the current visual impact corridors have higher property values than those outside the current corridors. While reasonable people can differ as to whether this higher value is attributable to the current VIR, there is no evidence that, during the fifteen year history of the current visual impact corridors, VIR have caused a decline in property values.

If a decrease in property value is not supported by the sales data of the Ouray County Assessor's office or the history of the current VIR, then, without additional facts, there is no support for the opinion that there will be decrease in property values which will lead to an increase in taxes.

Opinions without supporting facts are merely opinions which cannot be supported or defended.

## CONSEQUENCES

What are the risks associated with adopting either of these competing views of the future of Ouray County? If we adopt the view that Ouray County has good VIR that protect all the significant and sensitive areas of the county and that there is no need to expand the existing corridors, then we must be willing to permit houses to be built in the 60% of Ouray County which is outside of the existing view corridors without requiring these new houses to to comply with any VIR. We must also be willing to accept the fact that some portion of these new homes could compete with the natural scenic beauty that provides the backdrop and vistas that all residents and visitors of Ouray County enjoy.

If we adopt the view that there is no measurable difference between the significant and sensitive areas of Ouray County which are protected by the current view corridors and those in the proposed additional view corridors and that the Master Plan requires that all significant and sensitive areas in the County be protected, then we must be willing to require that new homes in the additional view corridors be subject to VIR.

The bottom line is if we fail to protect the significant and sensitive areas of the County, we could compromise the amazing natural beauty which we all value and enjoy. If this happens we could seriously damage one of the primary drivers of our economy and negatively impact our quality of life. These are the foreseeable risks.

NO ONE PLANS TO FAIL, WE ONLY FAIL TO PLAN.

## Bryan Sampson

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**From:** Karen Risch [rischbk@gmail.com]  
**Sent:** Friday, March 22, 2013 5:48 PM  
**To:** Bryan Sampson  
**Subject:** Re: Speeches

Bryan,  
Here is the part of my text I read. I also spoke extemporaneously.  
Karen

Good Evening and thank you to everyone who has attended these two hearings, written letters and come to our numerous workshops. I am a three-year member of this Planning Commission. I live and work in the City of Ouray and know Ouray County's mountain areas and roads pretty well. My husband and I have owned houses in the city since 1968.

I am proud to have participated in the process that created these revised land use proposals. They are a compromise, in the spirit of the mandate we were given by the BOCC.

It has been said that all of this beautiful county deserves protection. The proposal before you protects more of the county's alpine travel corridors than before. This is important to the economy of the city of Ouray, the town of Ridgway and the county.

The two municipalities produce nearly \$1 million in yearly revenue for the county through the collection of sales taxes. That's about 1/8 of the county's annual budget.

This proposed Section 9 road expansion addresses the long term need to preserve both the alpine areas and these revenues, while allowing residential development, mining and ranching.

On Mar 22, 2013, at 10:45 AM, "Bryan Sampson" <[bsampson@ouraycountyco.gov](mailto:bsampson@ouraycountyco.gov)> wrote:

Hello Everyone,

Hopefully everyone has recovered from last night. I'd like to request that anyone who made a speech from a prepared document (i.e. read from a piece of paper), please submit a copy to me. It would certainly expedite the minute writing.

I have already received several; I just want to make sure I have them all.

Thanks much,  
Bryan

03/20/2013

Comments on the AD-HOC Committee – Presentation to OPC Section 9 VIR  
Recommended Modifications OCPC Public Hearing 2/26/13

1. It appears that 21 of the photos in the presentation were taken with a telephoto lens or were enlarged.

The four photos that appear not to have been enlarged or taken with a telephoto lens were not labeled as to where they were taken from (e.g. on a road, off a road, etc.)

All photos taken to determine skyline breakage must be taken with a 50 mm lens from the centerline of a road and the BOCC acknowledged this at their meeting on the morning of February 26 when reviewing photos of the Tucker property which were taken by the Land Use staff. Some of which were not taken from the centerline of the road or were not taken with a 50mm lens. And Doug MacFarlane was one of Mr. Tucker's representatives at that meeting and heard that discussion.

Therefore, all the photos in the AD-HOC committee report should be disregarded, except the cover photo, when considering them in relation to skyline breakage.

2. While I am sympathetic to many of the issues raised by this presentation, my problem with the AD-HOC committee's presentation is that they have not proposed any written amendments or language to carry out their criticisms of the Draft Section 9. And the Planning Commission has repeatedly asked for such language or amendments over the last two years from them and has never gotten it. So we do not know what they are proposing in concrete terms.

Comments on Donna Whiskeman's Current Visual Impact Roads (9) Presentation

My biggest criticism is of the comments she made concerning the Seller's Property Disclosure Form SPD19-10-11. On page 3 of the Draft Minutes from the Ouray County Planning Commission Meeting on February 26, 2013 she stated the "if your home is a nonconforming structure you have a duty to disclose that. The real estate professionals will require it." And she also showed a slide in her PowerPoint presentation which showed parts of pages 1, 3, and 4 of this form and was captioned "If You Sell you home, you have a duty to disclose that you are a Non-Conforming Structure".

Section H of this form is entitled "USE, ZONING & LEGAL ISSUES. Do any of the following conditions *now exist*:" and subsection 2 is entitled "Zoning violation, variance, conditional use, violation of an enforceable PUD or non-conforming use."

Non-conforming structure is not listed anywhere on this form. So there is no duty by the seller or their realtor to disclosed a non-conforming structure.

In my personal and legal experience, I have used forms like this and you have to disclose an *existing* non-conforming use, but you do not need to disclose a non-existing-non-conforming use that a buyer might want to use the property for in the future. By the same analogy, a seller and/or their realtor have a duty to disclose an existing non-conforming structure (e.g. a structure for which the seller never got a building permit). However, there is no duty to disclose a non-existing-non-conforming structure (e.g. a structure which would only become non-conforming if a buyer decided at some point in the future to remodel or reconstruct the house).

I would ask the realtor community if they are currently disclosing that any house built during 1997 or before 1997 is a non-conforming structure under the present visual impact regulation passed in 1997? Do they disclose that a house being sold does not meet the current electrical, plumbing, and septic system code if it was built before the new codes were enacted? This whole argument by the realtors is ludicrous. A buyer has to expect that if they decide to remodel or reconstruct a home in the future that they will have to bring all of the area remodeled or reconstructed up to the current county/state zoning code regulations.

Not only that, if I was the seller's attorney and the seller's realtor was demanding that the seller disclose a non-existing-non-conforming use or structure I would advise the seller to fire their realtor for trying to sabotage the sale of their home and I would advise the seller to file a complaint against the realtor with DORA. And if such an action by the realtor resulted in a lost sale then I would advise the seller to sue their realtor for negligence.

#### Comment on Caldera Mineral Resources Presentation

I believe they have raised some valid concerns with the Draft Section 9. Therefore, I have drafted several motions to amend Draft Section 9 based on some of their criticisms.

Comment on AD-HOC Committee Presentation, Donna Whiskeman's Presentation,  
and other oral and written comments from the public

I believe they have raised some valid concerns with the Draft Section 9. Therefore I have drafted several motions to amend Draft Section 9 based on some of their criticisms.

Respectfully submitted by M. Dudley Case, 1<sup>st</sup> Alternate Member of the Ouray  
County Planning Commission

## OPINION – TIM CURRIN

I've been involved with the planning commission for the past two years and in the course of over a hundred meetings and workshops I've struggled to understand why the county needs to expand the visual impact regulations and why Section 9 of the land use code needs a wholesale overhaul.

As a part of the minority opinion on the commission we've offered alternatives to many aspects of the discussion. Most of our alternatives were rejected by our fellow planning commission members. For example, we suggested that the question of which roads might be added to the visual impact corridors should be delayed until all aspects of the regulations were finalized. The majority on the commission dismissed this alternative and wanted to decide on the expansion early on in the process. How can you consider what roads to bring in until you know what regulations would be imposed on those roads and those properties? Also, the exercise of comparing current corridor roads to potential roads, using only the tourist benefit rule, was flawed and contrived, in my opinion.

Our minority suggested that the point system should be easier to understand and easier to achieve approval for a building application. The majority rejected this alternative and stated several times that they "did not want to water down the regulations".

We offered that restricting building on a "bench" was not reasonable since benches are a common topographical feature in the county and many parcels only have logical building sites on benches. We pointed out that other jurisdictions in Colorado restrict building on ridgelines and hilltops but none restrict building on benches. The majority rejected our alternative.

On the question of sky-line breakage our minority offered an alternative that would allow sky-line breakage in situations with an oblique or falling away horizon as with down valley views. The sky-line breakage as in the proposal before us is un-precidented in planning jurisdictions. The majority rejected our alternative on sky-line breakage.

The minority offered an alternative to eliminating the mitigation points for size of parcel since this serves to lower density and seemed like a good reward for larger parcels. The majority was not willing to compromise and pointed out that the

distance from the road was a better source of mitigation points. Few parcels in the county, other than the un-built on escarpment lots on Log Hill, could benefit from distance from road mitigation points. For instance, a forty acre parcel, which measures  $\frac{1}{4}$  mile by  $\frac{1}{4}$  mile, can't distance their house more than  $\frac{1}{4}$  mile from the visual impact corridor if they adjoin it. Moving the site for the house another half mile is not an option for that property owner. So, those distance from road mitigation points are generally not available.

When I joined the planning commission two years ago I was perplexed as to why there wasn't a remarkable problem or pending crisis in the county that would necessitate such a huge re-work of the visual impact regulations, which had worked quite well for over fifteen years. Two years later I look back on all the meetings and burden on the resources of the county and I'm appalled at the process.

When the minority requested that we discuss the costs to property owners if the new regulations were adopted we were told that that was outside our scope of responsibility. During the public hearing process we've heard from several builders and architects that there will be substantial costs related to the proposed regs. Realtors have told us the obvious; if you have to move the site for a home to an area of a parcel with little views, the value of that property goes down.

The input from the public has been substantial and I respect each of the opinions as submitted. I've read the e-mails and letters at least twice each. What I see from the input is that the majority of people who own property in the Town of Ridgway and the City of Ouray, and in the areas of the county not subject to enlargement of the impact corridors are in favor of putting the restrictions on other property owners. Whereas a majority of the people who submitted input and whose properties would be directly impacted by expansion of the corridors are adamantly opposed to imposing these regulations on their properties. I put more weight in the opinions of the people who will be directly impacted with their properties but I respect all of the opinions.

The whole idea of limiting remodeling of existing structures to once in a lifetime and only 20% enlargement is ludicrous in my view. The minority on the planning commission disagreed strongly with this concept and our alternative ideas were rejected by the majority.

In my view this project of considering changes to the visual impact regulations should have been a consultative approach, with a few independent experts reviewing our current regulations and offering suggestions for improvement. The majority of our planning commission has no background and little knowledge of design and building concepts and far too much time has been spent due to this lack of ability to grasp concepts.

The county commissioners cautioned our planning commission not to arrive at a "one size fits all solution" to visual impact regulations. Heidi Albritton visited one of our meetings and told us that. The proposal here tonight is.... a "one size fits all solution"!

I support private property rights. Burdening property owners with a new set of onerous and costly restrictions that weren't in effect when they bought their property is against my better judgment and I think that it defies reason.

If the county commissioners adopt these proposed regulations Ouray County would become a large Homeowner's association and the county planners and the planning commission would be the architectural design committee.

Finally, let me say that I think that all concerns in our county should be represented on a planning commission. I think that a special interest group should be represented on the commission. I just don't think that control of the planning commission by one special interest group serves the county as a whole.

**I am opposed to recommending this proposal on visual impact regulations to the Board of County Commissioners.**

**Sheelagh Williams**  
**Roll Call on Section 9 VI Regs**  
**21 March, 2013**

**Thank public** for input, noting public who attended many of the workshops over the past two years. Thanks for their patience as we go into our deliberations which probably won't be short!

**Thank fellow PC members**, current and past, for diligence and contributions. Ted Collins, Bob Luttrell, Carl Cockle, Geoff Scott, Larry Kumpost. All contributed significantly to the discussion.

**Thank staff** for their insight, access to data and evaluation of the proposed revisions for ease or difficulty of administrating, enforcing and defending the proposed revisions. Many evening meetings cut into their personal time.

This has been a very long process. In the past several weeks I have gone back and looked at stacks and stacks of information. Minutes from the planning commission public hearings in which the 1997 revision of Section 9 was adopted. Various maps that were presented in dozens of BOCC workshops in the years before they handed off this task to us. The presentations by our realtor community and by our design/builder/architect/developer community. County Assessor data on home sizes and assessed valuation and sales data. My copious personal notes from the past two years of our workshops. And I listened again to all the public comments from the 26 February public hearing. I've read and reread all the written comments. It was great to be reminded of how much public input there has been, particularly from the builder/architect community and from Staff.

Over the past two years, the planning commission has consistently included members who are ranchers, realtors, architects and builders and retired professionals. I am a retired VP of engineering at a telecom company. I was responsible for a department of over 150 people and had to make decisions daily on the best available data. In my experience you never get perfect data. You get the best available. I have brought that practice of relying on the best available data to my decision making as a member of the planning commission. Here's a list of best available data and information that influenced my thinking.

**County road data and analysis IN PUBLIC PACKET** - the PC looked for documentation of why/how roads were selected for inclusion in original legislation, not found. The Plaindealer's first article on the history of visual impact

regulations in Ouray County said that "fairness", that is, application of VIR throughout the county, came up right from the get go. That same issue of "fairness" came up at the public hearing on the now abandoned Section 30 regulations for the Alpine Zone where opponents to the proposed Section 30 said that it would be better to apply existing regulations than to develop Alpine Zone specific regulations. And of course we were directed by BOCC resolution 2010-045 to consider whether adding roads would be appropriate. We were also directed to review the BOCC's May 18, 2010 draft which all numbered County roads, as US Forest Service roads and all Bureau of Land Management roads. The planning commission used the criteria from the BOCC's Resolution 2010-045 to objectively assess the roads currently designated as visual impact corridors and all the other county roads that are not so designated. We looked at public records of trailhead sign-ins. Where available, we looked at the actual amounts of vehicle travel. **I would like copies of this data included in the record.** The county road data and analysis files included in your packet provide permanent documentation and an objective basis for identifying potential visual impact corridors. Thanks to former PC members in compiling this data, especially Carl Cockle whose knowledge of the County was invaluable in ensuring that the data are accurate. I hope you all understand that the proposed revisions do NOT include every road in the County. The proposed revisions include only those roads which meet or exceed the standard set by current visual impact corridors in terms of scenic value, future development, access to public lands and uses by citizens and visitors. And now excludes some dead end roads too and that part of CR 361 in Camp Bird.

We have some data regarding road length, square miles included and number of parcels included for the current VIR. According to a map that was handed out at a BOCC workshop on 2 February, 2010, there are currently about a hundred miles of roads currently designated as VI Corridors. With a 1.5 mile buffer, this means about 211 square miles of VIC. "Best Guess: 4,276 non-public land lots in VI (at least partial)". **I'd like a copy of that map included in the record.** My best educated guess as to the length of roads that are proposed as visual impact corridors is about 80 miles. Counting the number of additional roads does not, in my opinion, reflect the actual increase. As you can see from the map included in your public packet showing the new outline of VICs, the square miles don't change as much because CRs 10A, 12A, 17 and 23 are largely within current VI Corridors. Based on the trailhead sign-in counts and the County Road and Bridge traffic counts made available to us, I believe CR 17 and 23 are very important to our recreational use, both by residents and tourists.

No other criteria were presented to us in a measurable, quantifiable way although there were some ideas brought forth. Topography has been mentioned as an important criteria which should be considered. While topography was not explicitly evaluated, I think that the similarities between the current visual impact corridor roads and the proposed additional roads are remarkable. CRs 8, 10, and 24, these are now visual impact corridors, are in our valleys and have almost indistinguishable topography and agricultural use as CRs 10A, 12 and 12A which are proposed to be added. CRs 5 and 7, now VICorridors, provide access to hiking trails into the San Juan Wilderness and the mountain bike trail, the Dallas Trail. They are like CR 9 which is proposed to be added, which also provides access to the Dallas Trail and wilderness for hiking and hunting. Highway 550, a current VICorridor, traverses a very steep canyon with a rich mining history, as do CR 361 and the several CR 26s which are proposed for addition. The topography of Ouray County is indeed very varied but no road is proposed for inclusion which is not similar to a road already included.

Several public comments stated that we failed to consider economic impacts, like building costs and property values. In fact, we did pursue these avenues. Staff provided data on building costs across the county. However, as they pointed out and is completely logical, building costs depend on many things, including the kind of materials used. For example, the Dallas Divide Architectural Standards requires the use of relatively expensive building materials like natural wood and stone, varied roof lines, and the use of features like bay windows. Other areas of the county do not require the use of expensive materials or more expensive building techniques. It's my recollection that there was agreement that the data were not helpful. I'll have more on county assessor property values in a few minutes. COPY OF Dallas Divide standard available.

I'd also like to mention that several residents of Colona came to our December 6, 2012 workshop and requested that we consider exempting Colona from the VIR because of their very small lots and proximity to Hwy 550. As a result of that thoughtful and reasonable request, the proposed revision that we are talking about tonight does exempt Colona from VIRs unlike the current VIRs.

**The minutes from the presentation of the local building/design professionals** to the BOCC and public at a work session on July 8, 2010. **I would like a copy included in the record.** The members of that ad hoc committee were: Larry Coulter, Doug MacFarlane, John Peters, Randy Gardner and Larry Kumpost who also served as a member of the planning commission. This report included specific recommendations for revisions to the point system, most of

which are incorporated into the proposed revisions. Their input held particular weight for me as these professionals are the ones that work with our current Section 9 regularly. They understand how it works and what is not working. Their thoughtful analysis was also done before this issue became politicized and polarized.

- Their report recommended that we consider removal of mitigation points for lot size since, quoting from the report, "It may not result in buildings being further from the road or less visible". The proposed revisions do not include mitigation points for lot size.
- The report recommended additional review of natural screening to clarify effectiveness and define how it's measured. The proposed revisions clarify and simplify measurement to make it doable in the field. This is something that Staff also asked for.
- The report recommended that blending be emphasized with the most points toward compliance. The proposed revisions make blending mandatory but DO NOT specify particular colors as that would depend entirely on the location of the building. Earth tones are defined as including a "color palette of browns, tans, greys, greens, oranges, whites, blues and some reds." So there is no requirement to make all homes brown. Our architects expressed concern that the blending requirement would preclude aesthetic and pleasing trim colors which contrast with the home color and possibly the immediate environment. Frank Lloyd Wright's Falling Water home with red trim was brought to us as an example of brightly colored trim that enhances the home. So the blending definition specifically allows contrasting trim when it doesn't overwhelm the structure or the natural scenery.
- The report recommended adjusting the available mitigation points for distance from the road. The proposed revisions increase the mitigation points 300% and award 3 points for distances close to the road.
- The report recommended review of additional screening to clarify effectiveness and define how to measure and bonding by the property owner to ensure continued compliance. The proposed revisions include clarification of how to measure and encourage xeriscaping to reduce the need for irrigation. The proposed revisions do not include any bonding.
- The report recommended consideration of additional mitigation points for massing and varying rooflines. The proposed revisions include these recommendations in the form of mitigation points for apparent massing and in the form of reduced impact points for structures with varied roof lines. A little note here about subjectivity. The weighted roof average will

be done from the building plans so there is no subjectivity in the measurement.

- The report did reflect concern about adding roads as visual impact corridors. The concerns were that adding roads "reached beyond the original intent of the regulation", place additional burdens on Land Use Staff and would possibly subject the regulations to litigation. I respectfully disagree with these concerns.
- The Master Plan, which is the framework for the Land Use Code, states in Section J Visually Significant Areas: "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 utmost importance to the citizens of the County. The citizens want to be assured that future development will not hinder, impair or destroy Ouray County's scenic beauty". The Master Plan doesn't say protect some views and not others. It sure seems to me that "jagged mountain peaks" includes the currently entirely unprotected CRs 361 and 26 up in Yankee Boy Basin.
- The second point about adding to Land Use Staff's burden, it is important to know that building permit fees are calculated to recover the costs of staff. BOCC resolutions 2008-066 and 2011-019 set fees based on cost recovery as required by Section 18 of the Land Use Code. During a recent BOCC meeting, there was a discussion of a particular fee and cost recovery was a significant part of that discussion. During a recent workshop this question was directly addressed by Staff. Given the current budget constraints, if there were a sudden increase in applications, there would be a short term impact on Staff. However, the increased number of applications would mean increased revenue and the ability to eventually hire additional staff as was done during the not so distant building boom when Ouray County had the fastest rate of growth in Colorado.
- Regarding the third point about potential litigation, I'll address that in more detail in a few minutes.

**Presentation by Tim Currin and John Baskfield Dated September 6, 2012**

This presentation included the following recommendations:

- "consider allowing unilateral skyline breakage of a certain logical percent silhouette and along a reasonable distance, except on ridgeline and on hill tops" Section 9.3 D (3) allows skyline breakage for a short distance and for a percentage of the silhouette when the proposed structure is not on a bench, ridgeline, escarpment or hilltop and where there's no site that

meets the skyline breakage rule otherwise. This is a relaxation of the current code.

- "measure for height of structure from the building plans". That's what the proposed revisions include.
- "relax the visual impact regulations for those parcels [sic, should be structures] which become non-conforming due to possible expansion of corridors" Sections 9.2 B (5) and (6) were added in response to this comment. Many opponents of the proposed revisions say the current code works just fine. It does NOT include any relaxation. This is a relaxation of the code.

**Staff's presentation visually demonstrating the actual change in visual impacts of structures within relatively short distances from the road.**

I would like a copy added to the record. The current point system only awards 3 mitigation points for distance from the road and doesn't start awarding points until 1/4 mile from the road. The proposed revisions award points starting at 200' and increase the overall possible mitigation points to 9 because of the demonstrated effectiveness of distance in reducing visual impact.

**The presentation by our real estate professionals** which strongly urged retention of the 50' setback from the escarpment and examination of road use to exclude those roads used primarily only by property owners for access, such as CR 1A. The proposed revisions include both of those recommendations. If you look at the road data, you can see how carefully we looked at road usage, for example. No road used exclusively by residents is included. Also, the proposed revisions include a clarification of how to measure the escarpment setback. That recommendation/definition was made by one of the building professionals on the planning commission and further clarified after comments from Mr. Mueller indicated a potential problem for large lots.

**The expertise of local architects**, those on the PC now and during the last two years, as well as those who attended many workshops. The proposed revisions include an entirely new concept - the use of apparent massing techniques to mitigate visual impacts. Larry Kumpost's presentation on the effectiveness of design elements to reduce visual impacts resulted in the inclusion of mitigation points for use of techniques that reduce apparent mass and thereby reduce visual impact. This was very compelling evidence. I would like to include a copy of Larry's presentation in the record. What is also compelling to me is that those design elements which reduce apparent massing and mitigate visual impacts also result in beautiful homes. Our very best architects use these techniques.

Several architects have expressed concern that we were focusing on hiding buildings through screening and not realizing that buildings can be beautiful and enhance rather than detract from views. I agree with that position and I think that the addition of apparent massing to the point system is a good one.

Concern about "unbuildable lots" has been expressed by members of the PC and the public. In April, 2012, the planning commission went on a long field trip along roads that are current VICorridors and about an equal number that are not but are included in the proposed revisions. Three lots were initially identified as "unbuildable" along CR 24 which is currently a visual impact corridor. Of the three, one is owned by the sister of a planning commission member. That planning commission member clarified that a home which meets visual impact regulations has already been designed. A beautiful home which meets visual impact regulations is being built right now on the second lot. John Baskfield, one of the building professionals on the PC, did a presentation using architect CAD tools showing that there were several locations where a two story home could be placed on the third parcel which had been described as unbuildable. This suggests that the fears about "unbuildable lots" is exaggerated. I would like to include a copy of John's presentation in the record.

PC members and architects encouraged the inclusion of some exemptions from the skyline breakage rule. The proposed revisions include some exemptions although they'd probably like more. The nature of a compromise is that everyone gets something but no one gets everything. I think the proposed revisions reflect a very good balance. In fact, the variance request hearing in March, 2013 might have been entirely unnecessary under the proposed revisions. I haven't measured, but the distance over which the structure skylined according to the owner is about what we've identified as reasonable for an exemption.

**The analysis of all new construction of homes and garages from January, 2009 through December, 2012** which are in a Visual Impact Corridor and visible from that corridor which showed that all these structures would be allowed under the proposed point system revision. I would like a copy of that analysis included in the record. I know it was my goal to create a point system that was not more onerous than the current system, but is better focused on proven, effective mitigation. So running real homes through the proposed revisions and proving conclusively that the proposed point system does work was key for me. After there were some questions about how the building permits were selected for analysis, I went back to the original report provided by Staff on all building permits issued during that time frame. I counted all the permits as categorized

by Staff in that report. There were 297 building permits issued. Of those, the vast majority were small projects, like decks and patios, or were repairs, sheds, agricultural structures which are exempt from visual impact corridors, and alternative energy structures like solar panels and wind collectors. There were 89 building permits for large structures, like homes and garages. Of those, only 35 were sited within a current visual impact corridor and visible from that corridor. **I would like to submit this summary into the record.** I would note that we also ran many, many hypothetical structures, large and small, close to the road and far away from the road, with screening, without screening and every other variable. The results consistently and conclusively showed that the proposed revisions are not more onerous.

**The field trip that the PC conducted on 18 April, 2012, the results of which are documented in 2012 April VIR Field Trip Summary.** **I would like to include a copy of this file in the record.** A key issue for the PC has been identifying the impact of adding new visual impact corridors and the extent to which that would make existing structures non-conforming. Of course, those structures would be grandfathered in, just as they were during adoption of the original visual impact regulations and the December, 1977 revision. I think balance between protecting our scenic vistas and allowing property owners to make changes to their homes is very important and is required by the Master Plan. The NEW limited exemptions from the skyline breakage regulation and setback requirements do, I think, provide that balance. I would note that the current regulations include no such relief provisions for those homes which were made non-conforming by the original adoption and 1997 revision of Section 9. From public comment I think there may be a mis-understanding of how non-conforming structures are currently regulated by our Land Use Code. The regulations for non-conforming structures are in Section 4, not Section 9. For clarity of process, we are only considering changes to Section 9 tonight. However, we have looked at Section 4 as requested by BOCC resolution 2010-045. We have discussed changes to Section which would allow the exemptions that are in the proposed revisions. As it is now, there are NO exemptions from Section 4. So these revisions are more flexible for home owners, not less.

I would also like to note that no structures can be made non-conforming if there's not a structure. There are no structures that would be subject to these regulations up in Yankee Boy Basin. There are very few structures along CR 361, Camp Bird Road. The scenic vistas in those areas are crucial to our tourist economy. I was surprised by the potential for future development in those beautiful areas enjoyed by all of us and by the many visitors to our county. So I

think inclusion of those roads is essential. And the longer we wait to add roads which merit inclusion, the more potential non-conforming structures there could be and the bigger issue non-conformance could become. We need to do this now.

**The history of variance requests and outcomes.** This is documented in 2013 Mar Summary of Variance Requests. I would like a copy of this document included in the record. This summary shows that from 1996 to the present, a period of over fifteen years, only four variances have been requested for relief from the provisions of Section 9. One, for a proposed home in an avalanche area up near Highway 550, was denied for public health and safety reasons. The other three requests were for relief from the skyline breakage requirement. All were granted. I think that this shows the variance process is working. I think it's also worth noting that if the proposed revisions are adopted by the BOCC in their current state, it is likely that the structure would not have required a variance. If history is a predictor of the future, and it often is, then there are likely to be very few requests for variance and most of them will be granted. I would also like to note that the Planning Commission carefully considered revisions to the appeal process. Those revisions are not included in the regulations we are considering tonight because they have already been adopted by the BOCC.

**Property value data from the County Assessor.** There has been much public comment, both verbal and in written comments to the PC about loss of property values within VICorridors. The actual sales data and assessed valuation for homes inside and outside VICorridors is documented in the files Land Sales 2004to2012 Assessor Data and Top 100 Assess Data Plus VIC status. All the data in these files came directly from the County Assessor's office except that I added a column in the Top 100 indicating whether the structure was in a VICorridor or not. I would like copies of these documents included in the record. These two documents show that property values of parcels within the current visual impact corridors are consistently higher than parcels outside visual impact corridors. Of course, there's no way to prove cause and effect. But at a minimum it is very clear that inclusion in a visual impact corridor does not adversely impact property values. If anything, it is correlated with high property value.

**Minutes for OCPC Public Hearing April 9, 1996, Mary's May 4, 2011 Regulatory Takings memo, Takings Law article.** During the course of the last two years of public workshops and even before that when the BOCC was workshopping possible changes to Section 9, the possibility of lawsuits and takings has come up. The planning commission has a responsibility to think

about these issues and only recommend adoption of land use regulations which minimize the possibility of a lawsuit and, for sure, of losing a lawsuit. Particularly in this time of reduced County budget and a more litigious climate, this is an important issue. There are a number of documents and opinions that have led me to be confident that these proposed revisions meet that standard of low risk of a lawsuit and high probability of winning any lawsuit.

- First, I read in the minutes for the OCPC Regular Meeting November, 19, 1996 page 2, when Mike Hockersmith was the County Attorney and Ron Bell was the County Administrator and gave an overview of the now current Section 9, that "money was allocated to hire technical expertise to support the planning commission for doing the visual impact study. The County chose Design Workshop of Aspen. They had worked with the County several years ago on a visual impact case that went to litigation." So the basic format and content of the current Section 9 had significant input from experienced consultants familiar with litigation as well as the then County Attorney and passed their muster.

- Former County Attorney and now Judge Mary Deganhart wrote a memo for the planning commission on the issue of takings. It was brief and to the point. One highlight:

"Landowners cannot establish a takings claim simply by showing that they have been denied the ability to exploit a property interest that they heretofore had believed was available for development..." See Animas Valley, fn 7."

The conclusion states:

"The Board is vested with authority to regulate land use in Ouray County and visual impact has been regulated in Ouray County for twenty-five years. Based upon the current state of the law on regulatory takings, I believe that it is unlikely that a successful inverse condemnation claim would be sustained against Ouray County based upon an expansion of the application of Visual Impact regulations. While some landowners may argue that such expansion will devalue their property or their use of their property may be impacted, it is unlikely that it would rise to the level of diminution in value that the courts have required. Similarly, it is possible that the converse may be true - that property values will be increased because of the expansion of these regulations; the parcels of property that are now impacted by the current visual impact regulations are among the most highly valued in Ouray County."

The provisions of Section 9 which we have modified or tweaked, if you will, do not constitute a takings according to then County Attorney Degarthart.

I would also like to quote from Takings Law in Plain English, a document that I believe then County Attorney Deganhart referred us to since it's in my stack of meeting notes. In the Executive Summary, the authors state:

- Courts have outlined several broad factors to be considered on a case-by-case basis in determining if a taking has occurred, including: the economic impact of the regulation on the property owner, the public purpose for which the regulation was adopted; and the character of the government action. Generally, a regulation will be upheld if it (1) furthers a valid public purpose; and (2) leaves a property owner with some viable economic use of the property.
- Courts have upheld a wide variety of purposes as valid reasons for enacting environmental and land use regulations - including pollution prevention, resource protection, historic preservation, design controls, and **scenic view protection**.

There are more but those two seem to address most specifically comments from the public.

I would like copies of the April 9, 1996 minutes, Judge Deganhart's memo and the executive summary of the Takings Law in Plain English included in the record.

One final note is that our current County Attorney originally expressed concern about some aspects of an early draft. I believe that those concerns have been addressed since she expressed confidence in these proposed revisions in later public workshops.

**BOCC SURVEY** In May, 2010, the BOCC conducted a survey on visual impact issues as part of their public workshop on a very different version of the Section 9. At the public workshop I would say that the comments were about evenly divided between support and opposition. However, all public workshop participants and, in fact anyone via the County's website, were invited to fill out a questionnaire about visual impacts. I would like a copy of that survey included in the record. What's so interesting is that a large majority of the respondents supported the following: achieving the goal, objectives and policies stated in the Master Plan to "maintain strong visual impact regulations to protect significant and sensitive areas" 87%, minimizing visual impact of individual structures through required blending with the natural environment 84.9%, expanding VICorridors consistently and equally throughout the County 72.2%.

I'd like to address an issue that was raised in a very thoughtful letter which acknowledged the good work that we have done, agreed that mandatory blending is a good idea, lamented the divisive discussion and ultimately suggested that as they stand the proposed revisions are not acceptable. That issue is the balance reflected in the Master Plan between protecting scenic vistas, preserving wildlife, and fostering a healthy business community particularly as regards the addition of VI Corridors. We paid close attention to the real estate community and Ms. Whiskemann's comment that we shouldn't include roads that are only used by residents. The "use" analysis was intended to, and I believe does as best we could, encompass the economic issues in our county. Locals and tourists that use the roads also typically support businesses in our County. Our restaurants and shops benefit from the influx of hunters, photographers in the fall, bicyclists, snowmobilers, hikers, campers, families who enjoy our outdoor recreational opportunities. Protecting our scenic vistas is part of supporting our businesses. Ag and mining are important to our county. They are exempt and we've some changes to address specific issues that they raised during public comment. We tried to get even more data. For example, Staff provided some data about the cost to build. But that probably depends more on whether the owner wants granite or formica kitchen counters, linoleum floors or expensive Italian marble.

Skyline breakage has been, and obviously continues to be, an area of disagreement. I'd like to address the collection of photos of skylining structures that Mr. MacFarland included in the Ad Hoc Committee presentation. He did say, as I recall, that the photos were taken across the county, not necessarily on roads proposed for inclusion but added that it didn't matter. Actually, I believe that it does matter. The collection gave the impression that there are lots and lots of homes which would be newly subjected to VI Regs and newly non-conforming. From field trips with the PC and BOCC and being a resident, I recognized many of the homes that were included. At least a third and possibly more are structures that are on roads currently designated as VI Corridors. These structures have been subject to VI Regs for decades. At least two are on CR1 north which is not proposed for inclusion. There absolutely are existing structures on roads newly proposed as VI Corridors which may be non-conforming structures, just as happened when the VI Regs were adopted in 1986 and revised in 1997. But it is a handful and many of them are exempt as they are ag related. Ranch hand housing is exempt. If skylining were the big problem suggested by Mr. MacFarland, then we'd have had more variance requests over the last sixteen years which included a period when Ouray County had a very high growth rate and there was lots of new construction. Again it's about

balance. We've added some NEW exceptions and exemptions. We have NOT made it more difficult.

**Things that are not in the revisions:**

- Suggestion that we map all ridgelines, escarpments and skylines requiring protection. This might, might, be the answer to the "valuable" versus "not so valuable" skylines to protect. However, there are substantial difficulties in creating these maps. I'd like a copy of Dr. Theobald's ridgeline map entered into the record. Looking at this map, I can only begin to imagine the complexity and cost of looking at each one of these ridges and make a determination about which are important. Unless and until the County's Budget gets a whole lot bigger, I don't think there's sufficient money to fund such an endeavor. And with only four variances now granted in the about sixteen years of the current visual impact corridors which don't have a map, it doesn't seem to be worth the dollars to me.

**Summary:**

I am greatly saddened that this issue has clearly become very divisive. And I'm a little mystified as to why. These proposed revisions represent a compromise as did the original Section 9 and the 1997 revision. The sky didn't fall at either of those two events and I don't think it will fall if the proposed revisions are adopted. The planning commission members, present and past, represent an enormous variety of points of view. During the two plus years that we've been working on these revisions, the planning commission has consistently included members of the designer/builder/architect community, the realtor community, people who live in Ouray and in Ridgway, ranchers, retired land use attorneys, and retired professionals. I think every one of us genuinely wants to protect the scenic vistas that make Ouray County so unique. We may differ on how to do that and how to balance development with protection of views, but I think the long discussions have resulted, as I said, in a compromise.

The proposed revisions include additional roads, but only those that meet or exceed the standard set by the current visual impact corridors. They do not include all county roads and all BLM and all US Forest Service roads as proposed in the 18 May, 2010 draft prepared by the BOCC. The revisions also include several significant exemptions and reductions in impact points. Specifically, at the request of the designer/builder/architect community, the revisions include:

- exemptions for skyline breakage that have been increased both generally and specifically for those homes which currently, or would when the new roads are added, break the skyline

- a new exemption regarding the setback requirement for those home which currently, or would when the new roads are added, be closer to the road than allowed
- a new exemption from the blending requirement for those homes which are "historically accurate", like Marie Scott's ranch house, in the Valley Zone or mining-like structures in the Alpine Zone
- the exemption of basements that are not visible in the calculation of impact points
- a weighted average of roof height instead of maximum roof height in the calculation of impact points

These exemptions and reductions of impact points were added specifically to address the concern of those on the planning commission and members of the public that adding new roads would create too many non-conforming structures. I personally think, based on the field trip and personal observation, that the additional roads will not create any more non-conforming structures than were created when Section 9 was first adopted or when revisions were adopted in 1997. I think that variances are a much better way of dealing with parcel specific issues. My opinion is supported by the fact that since 1997 there have been only four requests for variances. If non-conformity were a huge problem, we would have a history of lots of requests for variance for homes within the current visual impact corridors. However, in the spirit of compromise that I believe is vital to this body, I support the exemptions so long as the identified roads are added. Compromise means nobody gets everything they want but everyone gets something they do want. Some of us want additional roads but not the exemptions. Some of us want the exemptions but not the additional roads. These proposed revisions include both. Something for everyone. Not everything for anybody. A failure to include all the roads identified as meeting or exceeding the current standard for inclusion would, I strongly believe, eliminate the compromise and constitute a major change that should come back to the Planning Commission for reconsideration.

Again, I would like to thank the public for their attendance tonight and at the many workshops on this issue. I know how difficult it is to be sitting on that side as I spent most of my life there. Thank you for your patience!

# MEMO

**TO:** Planning Commission  
**FROM:** Mark Castrodale  
**DATE:** January 24, 2010  
**SUBJ:** County Roads – Vehicle Counts

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During the January 18 workshop regarding Visual Impact, a request was made that I contact the Road & Bridge Department and request information on vehicle counts on County roads. In a conversation with the GIS Coordinator, I was informed that although the GIS Department is working with Road & Bridge on a project to gather such information, there is no data available prior to July of 2010. Also, the Road & Bridge Department has a limited number of sensors that are placed at selective locations around the County so data can be gathered and assessed.

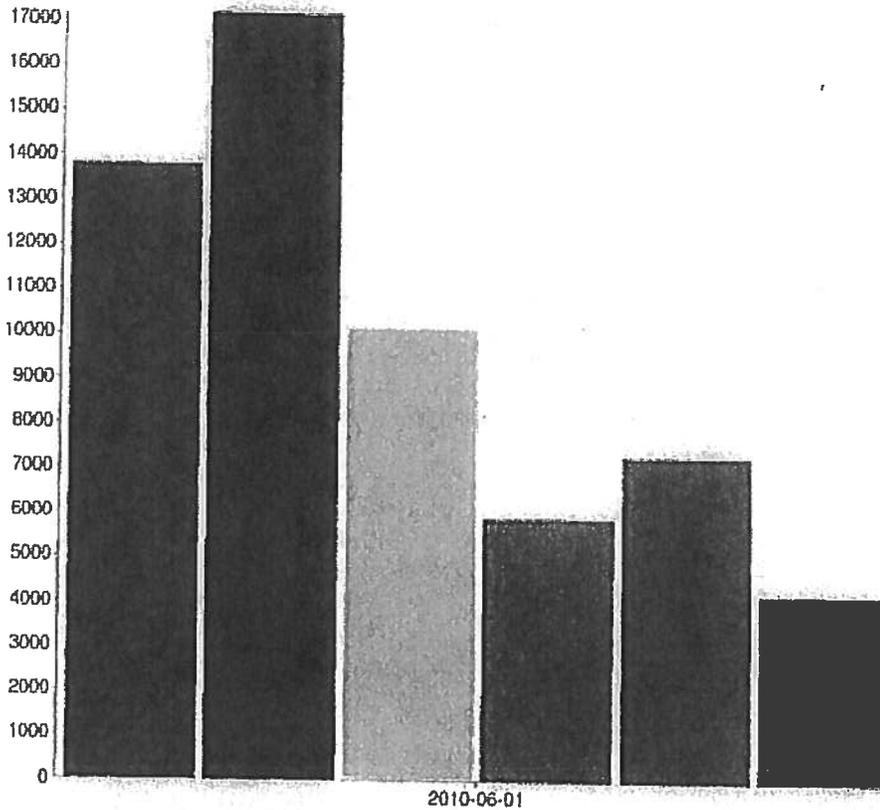
Attached is the information that is available at this time. The first page/table shows the current roads or areas of the county where data is being gathered. (Not all roads/areas can be monitored at one time.) The following pages are graphs showing usage on selected roads during an approximate one-month period. There is no further data or analysis available at this time.

att.



# Monthly\* totals report

Covering 1 months from 2010-06-01 to 2010-06-30  
 Report generated on 2010-07-06 10:37:10 (UTC -06:00) by jbockes@ouraycountyco.gov  
 TRAFx DataNet (<http://www.trafx.net/>)



Site Name	Mean	Median	STDV	Min	Max
CR 14 Panoramic Helghts	13,940.4	13,940.4	0.0	13,940.4	13,940.4
CR 361 Jim Brown Hill	17,170.0	17,170.0	0.0	17,170.0	17,170.0
CR 361 Weehawken Bridge	10,352.5	10,352.5	0.0	10,352.5	10,352.5
CR 7/7A	6,016.2	6,016.2	0.0	6,016.2	6,016.2
CR 8 Cow Creek Bridge	7,540.0	7,540.0	0.0	7,540.0	7,540.0
Mall Road	4,420.0	4,420.0	0.0	4,420.0	4,420.0

A = adjustment applied, D = divide by 2 applied, F = filtering applied

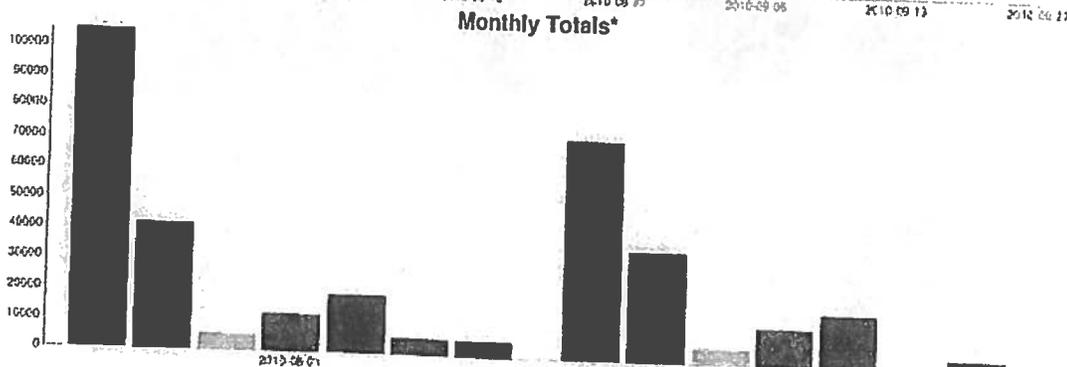
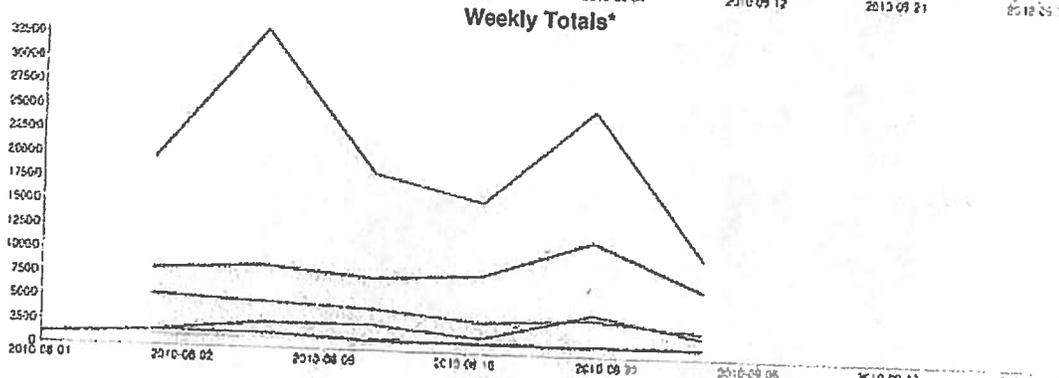
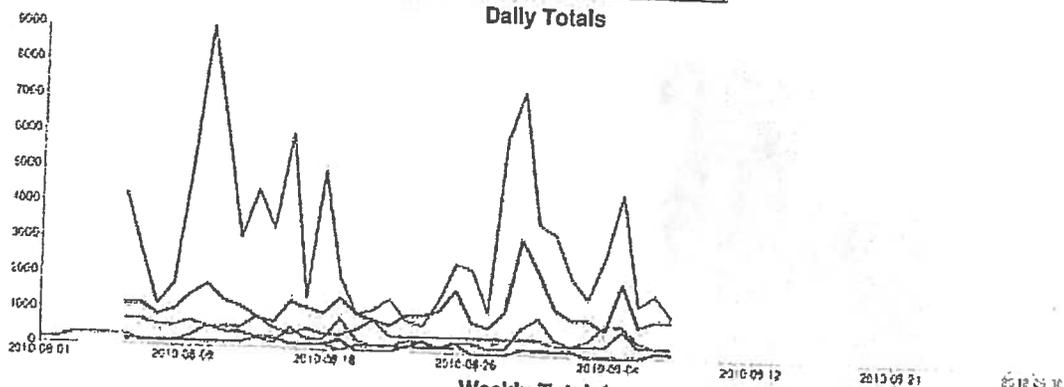
\* Based on Average Daily Traffic (ADT)

# Daily/Weekly/Monthly totals report

From 2010-08-01 to 2010-09-30

Report generated on 2010-09-22 13:28:03 (UTC -06:00) by jbockes@ouraycountyco.gov

TRAFx DataNet (<http://www.trafx.net/>)



Site Name	Color
CR 1 North End (near pumphouse)	Dark Grey
CR 1 South end	Light Grey
CR 23 North of Marys Rd	Medium Grey
CR 24 Weaver Bridge	Dark Grey
CR 361 Ice Park bridge	Dark Grey
CR 8 Cow Creek Bridge	Dark Grey
Mall Road	Dark Grey

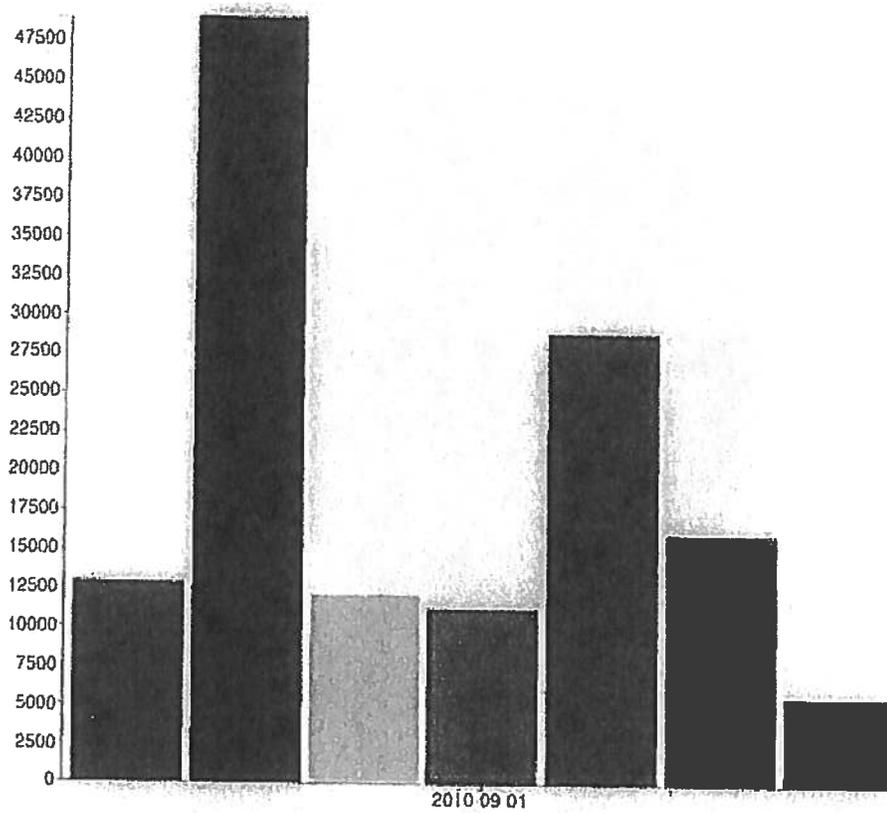
\* Weekly and Monthly totals are based on Average Daily Traffic (ADT)  
 A = adjustment applied, O = divide by 2 applied, F = filtering applied

# Monthly\* totals report

Covering 1 months from 2010-09-01 to 2010-09-30

Report generated on 2010-10-07 13:50:10 (UTC -06:00) by jbockes@ouraycountyco.gov

TRAFx DataNet (<http://www.trafx.net/>)



Site Name	Mean	Medlan	STDV	Min	Max
CR 1 Divide Ranch	13,119.5	13,119.5	0.0	13,119.5	13,119.5
CR 1 South end	49,116.4	49,116.4	0.0	49,116.4	49,116.4
CR 10 West End	12,303.2	12,303.2	0.0	12,303.2	12,303.2
CR 14 Panoramic Heights	11,696.8	11,696.8	0.0	11,696.8	11,696.8
CR 23 KOA bridge	29,418.9	29,418.9	0.0	29,418.9	29,418.9
CR 24 Dallas Bridge	16,585.3	16,585.3	0.0	16,585.3	16,585.3
CR 77A	6,094.7	6,094.7	0.0	6,094.7	6,094.7

A = adjustment applied, D = divide by 2 applied, F = filtering applied

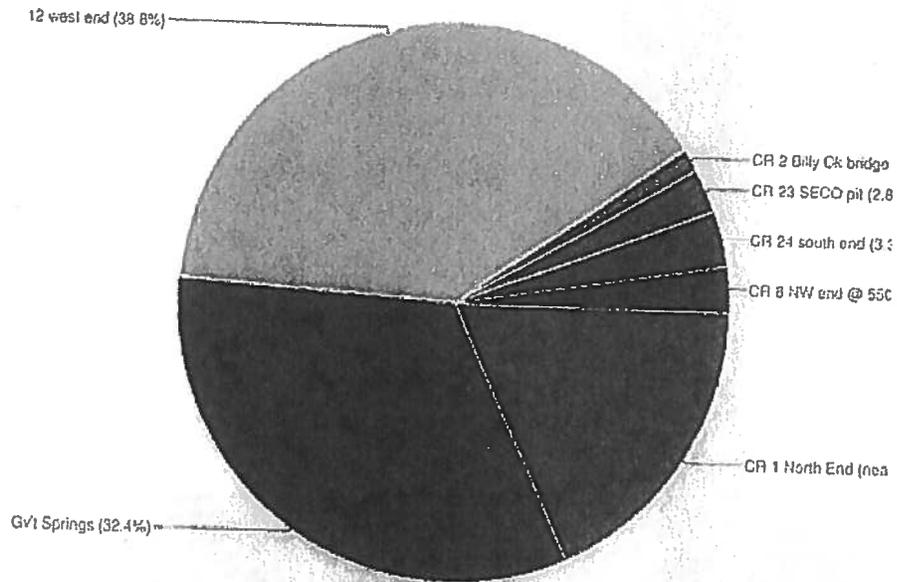
\* Based on Average Daily Traffic (ADT)

# Compare sites

Data from 2010-09-28 to 2010-10-26

Report generated on 2010-11-02 09:30:12 (UTC -06:00) by jbockes@ouraycountyco.gov

[TRAFx DataNet \(http://www.trafx.net/\)](http://www.trafx.net/)



Site Name	Daily Average
CR 1 North End (near pumphouse)	880.1 (17.8%)
CR 11 N. end Gv't Springs	1,600.7 (32.4%)
CR 12 west end	1,913.7 (38.8%)
CR 2 Billy Ck bridge	85.0 (1.7%)
CR 23 SECO pit	137.0 (2.6%)
CR 24 south end	164.8 (3.3%)
CR 8 NW end @ 550	156.2 (3.2%)

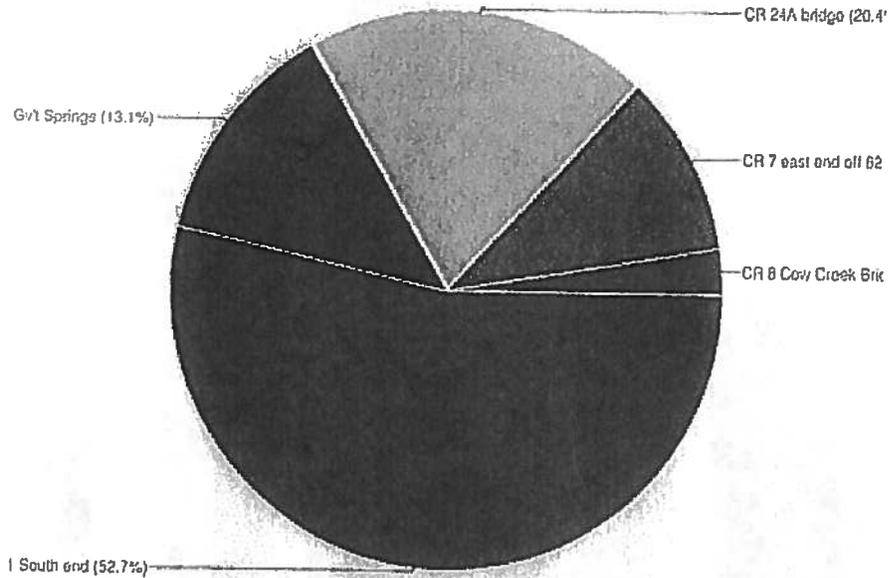
A = adjustment applied, D = divide by 2 applied, F = filtering applied

# Compare sites

Data from 2010-10-27 to 2010-11-22

Report generated on 2010-11-30 09:02:48 (UTC -07:00) by jbockes@ouraycountyco.gov

TRAFx DataNet (<http://www.trafx.net/>)

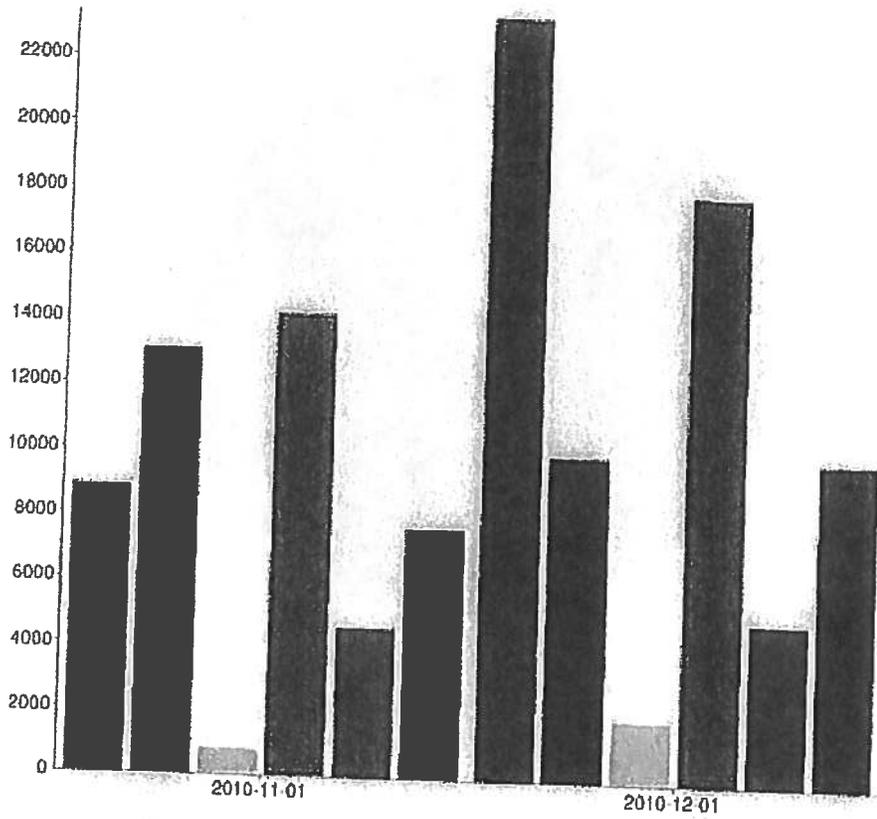


Site Name	Daily Average
CR 1 South end	2,185.2 (52.7%)
CR 11 S. end Gv1 Springs	542.9 (13.1%)
CR 24A bridge	844.0 (20.4%)
CR 7 east end off 62	444.9 (10.7%)
CR 8 Cow Creek Bridge	130.0 (3.1%)

A = adjustment applied, D = divide by 2 applied, F = filtering applied

# Monthly\* totals report

Covering 2 months from 2010-11-01 to 2010-12-31  
 Report generated on 2010-12-30 09:30:18 (UTC -07:00) by jbockes@ouraycountyco.gov  
 TRAFx DataNet (<http://www.trafx.net/>)



Site Name	Mean	Median	STDV	Min	Max
CR 1 Divide Ranch	16,254.2	16,254.20	7,194.2	9,060.0	23,448.4
CR 10 West End	11,747.0	11,746.96	1,577.3	10,169.6	13,324.3
CR 2 Billy Ck bridge	1,658.2	1,658.19	556.8	1,101.4	2,215.0
CR 24 Weaver Bridge	16,459.9	16,459.88	1,897.0	14,562.9	18,356.9
CR 361 Ice Park bridge	5,123.9	5,123.95	246.8	4,877.1	5,370.8
Marys Rd	9,065.3	9,065.33	1,209.6	7,855.7	10,275.0

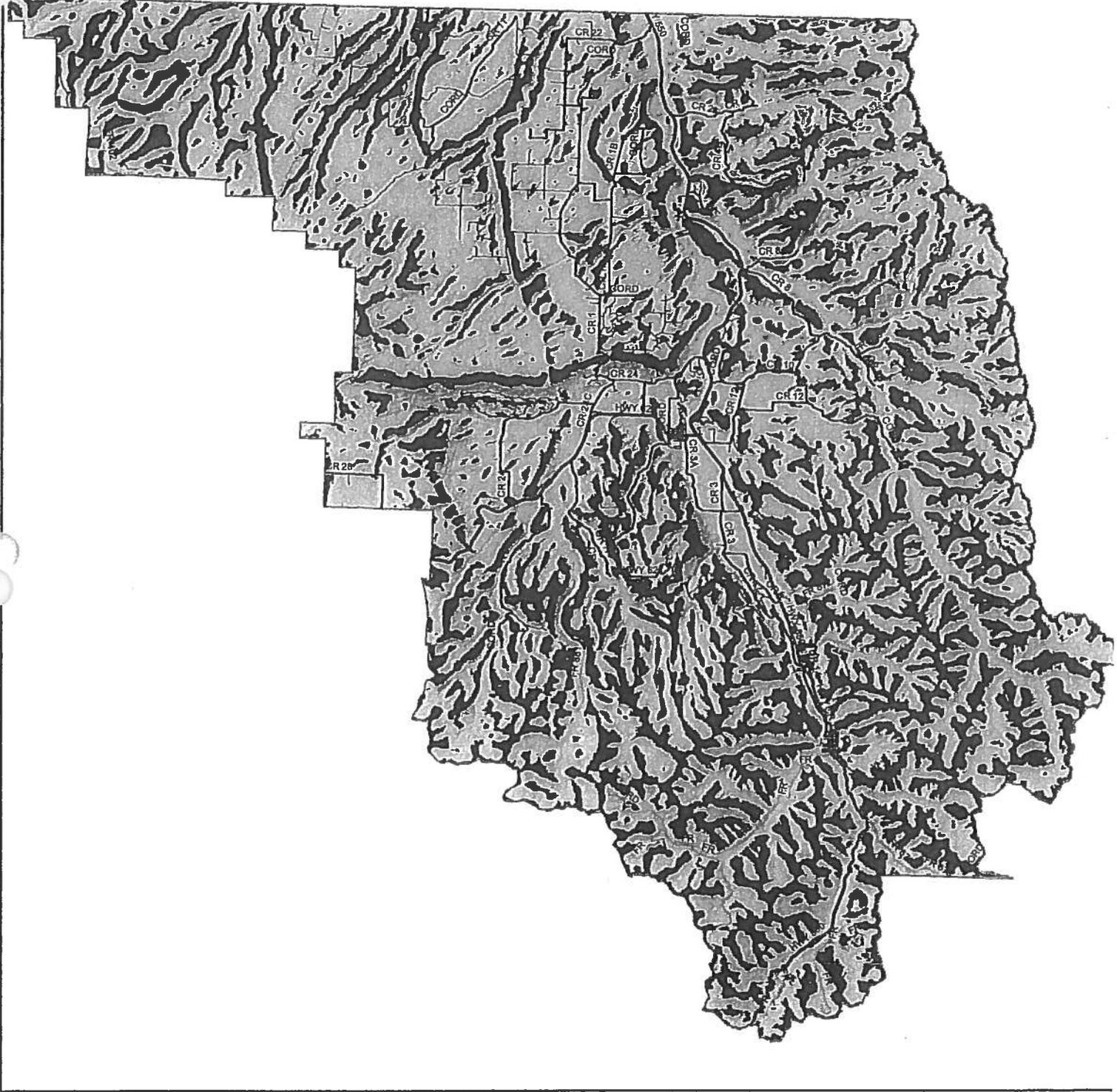
A = adjustment applied, D = divide by 2 applied, F = filtering applied

\* Based on Average Daily Traffic (ADT)

# Ridgelines

\* SUBMITTED BY FWS/JC  
FROM SARAH COULTER

## Ouray County Build-out Analysis



 Ridgelines

5  
 Miles

Data source: Created from 30 m Digital Elevation Model using the Topographic Position Index method. These are approximate locations of ridgelines – they are not official designations. Map created by David Theobald, Natural Resource Ecology Lab

## Field Trip Summary

Road	Mileage			Potential Skyline Issues		
	start	stop	distance		Close to Road	Ridgeline
<b>Current Visual Impact Corridors</b>						
CR10	14.9	15.8	0.9			
CR24	16.7	17.5	0.8	1996+	5*	2
CR5	17.5	19.4	1.9	Pre-1996	13	2
CR 24A/24	20.5	25.9	5.4			
CR1 to CR1AN	29.3	32.9	3.6			
Hwy 550	0.2	1.2	1			
Hwy 550	5.7	7.4	1.7			
Hwy 550	15.8	16.7	0.9			
Hwy 62	19.4	20.5	1.1			
Total			17.3			

### Outside Current Visual Impact Corridors

CR23	1.7	5.2	3.5	1996+	1	6
CR12	7.3	11.5	4.2	Pre-1996	14	1
CR12A	13.9	14.9	1			
CR1 North	32.9	39	6.1			
Total			14.8			

\* most of these are in Dallas Meadows where the road turns south, unclear how approved even if pre-1996

### Potentially Challenging Lots

Ranch lots from CR12	Observations: 35 acre lots, rolling terrain, a lot of flexibility in home siting
Dallas Creek from 550	Large existing home next to lot in question
Dallas Creek from CR24	John's presentation showed at least two sites for a 2 story structure
Eagle Hills from CR5	Buildability is uncertain and opinions differ
Pleasant Valley from CR24	WindFall lot, home currently under construction
Pleasant Valley from CR24	Complying plans already made

## Summary of Variance Requests 1997 to 2013

Some members of the Planning Commission have expressed concern about an increase in the need for variances along potential new view corridors. This list comprises ALL visual impact variance applications since the current visual impact regulations were adopted in December, 1997. This period includes both low and high rates of building.

### **2007-002**

Applicant: Siegmann  
Location: Silver Point Millgate  
Variance: Setback, reserve water supply  
Outcome: Denied based on public safety (EMS, Sheriff, CDOT avalanche control)

### **2010-031**

Applicant: Bellows/Budai  
Location: 13521 County Road 1  
Variance: Skyline breakage for fire destroyed home  
Outcome: Approved based on 2000 approved variance for skyline breakage, no change to roof line and no history of complaints

### **2011-028**

Applicant: Lindler  
Location: 995 Meadows Circle, Ridgway  
Variance: Skyline breakage  
Outcome: Approved based on site limitations and amount of skyline breakage

### **2013-013**

Applicant: Tucker  
Location: 53 Camino San Juan, Ridgway  
Variance: Skyline breakage  
Outcome: Approved based on site limitations and amount of skyline breakage

\* SUBMITTED BY  
KAREN RISCH  
1/10/2011

From: Bob & Karen Risch <bkrisch@ouraynet.com>  
Subject: Fwd: Study Group Response  
Date: June 4, 2008 3:03:43 PM MDT

Trail Data for Ouray County Trailheads 2005 figures:

The following are Ouray Trail Group trail register box sign in figures for county trailheads accessed from county maintained roads. (The U.S. Forest Service estimates that only one-third of users sign in.)

COUNTY ROAD	TRAILHEADS	SIGN INS 2005	DISTANCE TO TRAILHEAD		VMT RTrip	
CR7	Blue Lakes/Blaine	2287	X	40	=	91,480
	Blue Lakes/Yankee Boy	504	X	40	=	20,160
CR10/12	Courthouse/West Fork	429	All these are covered in FS counter data for Owl Creek Pass.			
	East Fork/Cimarron	802				
	Middle Fork/Cimarron	426				
	Wetterhorn Basin	401				
CR14	Horsethief	429	X	10	=	4,290
	Dexter	296	X	8	=	2,368
CR14A	Cutler	181	X	12	=	2,172
	Baldy	263	X	14	=	3,682
CR17	Silvershield	98	X	4	=	392
	Oak Creek	579	X	2	=	1,158
	Dallas/Corbett	512	X	1.5	=	768
Portland	Portland	749	X	1	=	749
Amphitheater	Baby Bathtubs	1696	X	.5	=	848
CR20	Gray Copper	167	X	2	=	334
CR361	Hayden/Camp Bird	172	X	5.4	=	929
	Ice Park	558	X	.5	=	279
	Sutton	852	X	1.5	=	1278
	Weehawken	1037	Covered in FS counter data for the Harris Bridge.			
CR361/26	Mt. Sneffels/Blue Lakes Pass	108	X	8	=	864
	Wright's Lake	947	X	3	=	2,841

Total sign in  
13,498

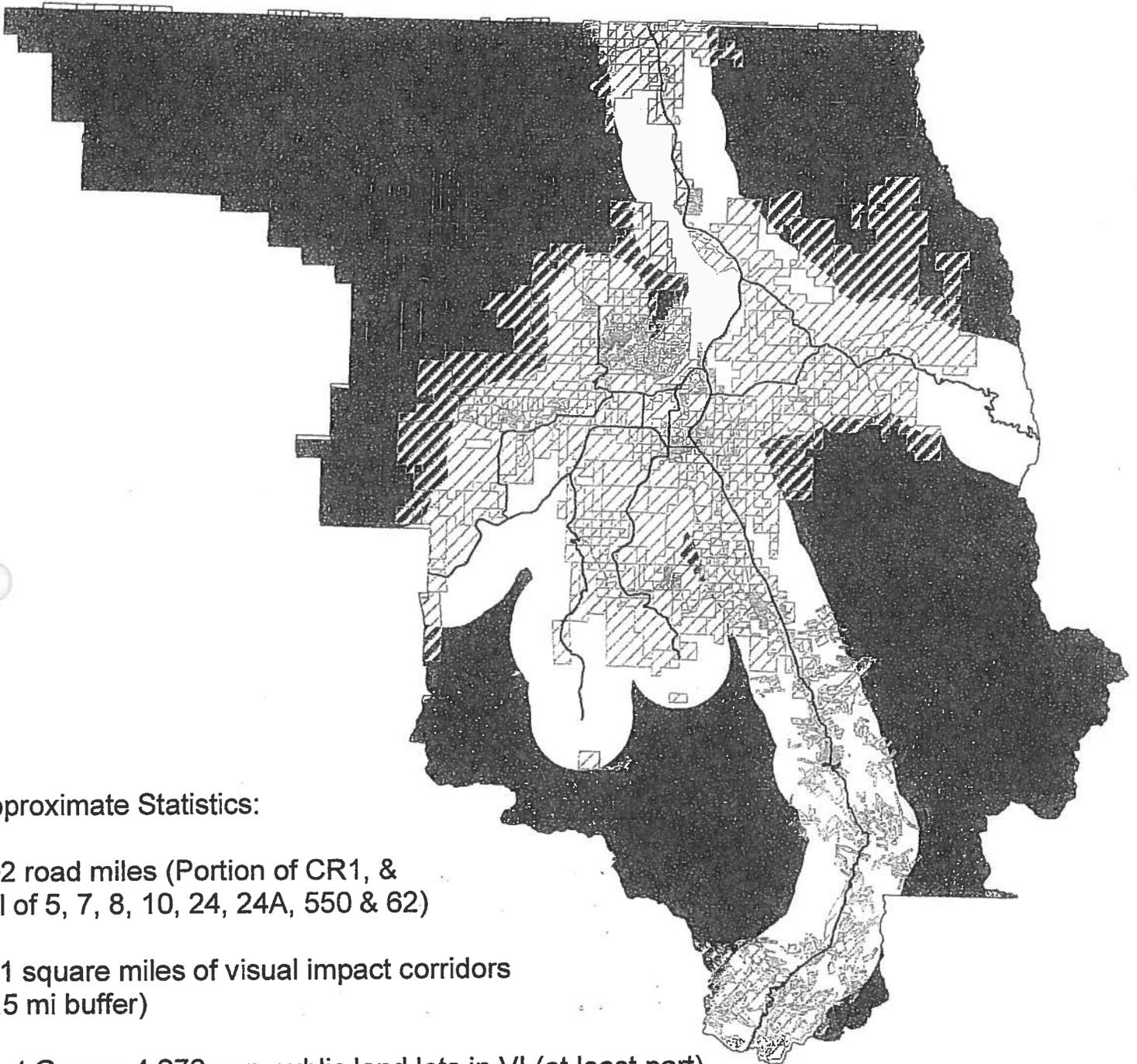
Total VMT for Ouray County Roads to Trailheads in 2005:

134,592

Not Protected under VI 2010

# Current Section 9 Visual Impact Corridors

2/2/2010



## Approximate Statistics:

102 road miles (Portion of CR1, & all of 5, 7, 8, 10, 24, 24A, 550 & 62)

211 square miles of visual impact corridors (1.5 mi buffer)

Best Guess: 4,276 non-public land lots in VI (at least part)

## Legend

- Current Visual Impact Rds & Hwys
-  Lots intersecting Current Visual Impact Corridors
-  Non-Public Land Lots
-  Current Visual Impact Corridor
-  Ouray County

#### Section IV -- Design Theme

The Design Theme for Fairway Pines is directed toward preserving the mountain park feeling with homes located among the Ponderosa and Piñon pines. Reasonable efforts should be made to site and landscape homes so they blend with the surrounding landscape and so that impacts on views of the home from the golf course and adjacent properties are reasonably mitigated. The intent of the design theme is to promote high quality mountain home construction with buildings that are creatively designed to merge and blend with their natural surroundings.

Building designs should be creative, with an avoidance of boxy or long rectangular buildings. Building mass shall be low profile, varied, and on slopes or hillsides shall follow the natural grade. Large decks, retaining walls and roof overhangs shall be used when appropriate to enforce the visual tie of the building to the natural topography.

Rooflines shall be varied and broken with an avoidance of long spans of unbroken ridges. Interest within the architecture shall be accomplished through the addition of bay windows, dormers, multi-level decks and railings. Stained glass, handcrafted doors and windows shall be encouraged.

All homes and other structures shall emulate traditional Colorado mountain architecture through the use of building materials that are substantial and able to withstand the climate of the high mountains. Natural wood, stone and stucco shall be the primary building materials with roofs finished in non-reflective materials such as slate, concrete roof tile, stone coated or rusted steel, or other approved materials and shall be of a material, color and texture approved by the ARC. All exposed metal flashing, gutters, downspouts and other roof hardware shall be color coordinated with the colors of adjacent materials.

Variations of the Southwest style of architecture shall be considered on an individual basis subject to conformance to the design standards set forth herein. All other governing regulations within this document shall apply.

# Builder/Developer/Architect/Designer Committee Report

The Board of County Commissioners met in a Work Session on July 8, 2010. Those present for the session were County Commissioners Lynn M. Padgett, K. Keith Meinert and Heidi M. Albritton; Linda Munson-Haley, Clerk of the Board; and the Planning Commission.

- **Note – This meeting was recorded for reference purposes.**

## **6:40 The Board of County Commissioners convened into a work session for a technical discussion with building/design professionals about proposed visual impact modifications.**

A sign-in sheet was entered into the record as *Exhibit A*.

John Peters distributed a report called "Ad Hoc Impact Review Committee" (*Committee Exhibit A-1*). A copy of the Committee's PowerPoint presentation was included in the record (*Committee Exhibit A-2*).

Commissioner Padgett opened the meeting and made introductions. All of the Planning Commissioners were in attendance. She explained that the Commissioners had invited representatives from the builder/developer/architect/designer communities to meet with them. An ad hoc committee was formed from that group that included Larry Coulter, Doug Macfarlane, John Peters, Randy Gardner and Larry Kumpost. She explained that at a work session in June the builder community told the Commissioners that they should hear specific input from their group. The Commissioners began having work sessions last October to understand the purpose, objectives and goals of the current Section 9. They had heard many comments for years about the current section. At this point, the Commissioners felt that based on the volume of public comments received, they wanted to slow down and listen to all of the public comment. Upcoming work sessions included a comprehensive field trip scheduled for July 12, 2010 with the Planning Commission to consider the effects of the current Code and proposed revisions on the escarpment, ridgeline, and visual impact corridors; a presentation from the realtor community on August 12, 2010; and future work sessions on economic considerations including staffing, property values and tourism, and to revisit the purpose, goals and objectives of the Master Plan and Section 9, and public comment. Commissioner Padgett submitted her opening comments for the record (*County Exhibit A-1*).

John Peters, representing the ad hoc committee, commended the efforts of the Board of County Commissioners, the Planning Commission and those who had been diligently attending the workshops on visual impact. Visual impact was an important aspect of the Land Use Code. He read from "Ad Hoc Visual Impact Review Committee" noting that the purpose of the Committee was to review Section 9 of the Ouray County Land Use Code and the proposed revisions, to analyze the effectiveness of the two documents and discuss the merits of each, to ultimately prepare a draft revision effectuating necessary changes to best manage visual impact concerns within the county. He began the PowerPoint presentation merging it with his report for his verbal presentation. Other members of the Committee offered input throughout the presentation.

Macfarlane discussed the process that an applicant went through to get approval and spoke to several case study examples in the PowerPoint presentation. One of the reasons that the Committee was leery about and were not recommending the expansion of the visual impact corridors was because in flatter terrain and with less defined backdrops they felt that there would be many more situations where people would have to go through extraordinary lengths and put houses where they do not want them.

Peters concluded that as shown by the examples of the case studies, the visual impact process was rigorous and often onerous to go through. The Committee believed that Sections 9.1, 9.2, 9.4, and 9.5 worked well and needed little to no change. There could be slight clarifications to Section 9.2.A. regarding remodels and/or additions. It was the opinion of the Committee that the existing Code functioned properly but that weaknesses still existed within the Code. More emphasis needed to be placed on blending with definitions clarified through graphic examples, and there needed to be a clear understanding of what skylines needed protection and how the "gap" rule was most effectively utilized.

Macfarlane noted that one reason the Committee members came to their consensus that the best way to address working with the problems they were identifying was to use the existing Code format because over the period of time that the existing Code has operated and been utilized they began to see confusing and hard to interpret parts. Their concern was that while some of the things proposed may work better, the only way to test drive that was to go through a learning period. By using the tools available and highlighting the areas that needed work and clarification, unintended consequences could be avoided while moving toward a cleaner Code that accomplished the goals that everyone was talking about. A lot of good work had been done on the draft, in particular the blending concepts. The main reason they were not focusing on a compare/contrast type style was because they felt that working with the existing Code and highlighting areas for improvement gave them a vehicle that was more predictable in how the outcomes would be on the ground.

Peters discussed deficiencies in the existing Code. The Committee felt that more emphasis needed to be placed on blending with definitions clarified through graphic examples. There also needed to be a clear understanding of what skylines needed protection and how the "gap" rule was most effectively utilized. He went through The Point System and made comments and recommendations for revision as detailed in *Committee Exhibit A-1*.

It was the opinion of the Committee that the existing Code was functioning properly and aligned with the original intent to preserve the major scenic vistas of Ouray County. They believed that the two-tier system as proposed placed additional undue burden on both property owners as applicants and the County as enforcers. Expansion of the view corridors in their opinion reached beyond the original intent of the regulation and would also place exceptional burdens on the Land Use office and possibly subject the County to unnecessary legal action. The desire for quality design, harmonious development and exceptional visual qualities throughout the county was a noble and just cause and could often be achieved through education and example. The Committee agreed that a comprehensive companion guide describing

these concepts be included with the "Before You Build in Ouray County" pamphlet provided to potential property owners and applicants.

In conclusion, the Committee felt that much of the process involved interaction between land owners, architects, builders and County officials, and that success of the regulation evolved around workability, clarity of goals, communication, and flexibility in application.

Commissioner Padgett opened the meeting to questions from the public to the presenters.

Robert Savath commented on Slide 42 regarding the point that the criteria should be whether a project actually breaks the skyline or not rather than having an arbitrary setback requirement. One of the other factors involved was if there was a high point that fell off somewhat that would screen the project from the corridor the Code was trying to protect without having to be an arbitrary distance from the escarpment. The rule about breaking skyline should be outcome based rather than having an arbitrary setback requirement.

Tom McKenney asked for more clarification on height. He understood the presenters to say that it was based on natural grade; however, it was not uncommon in the town Ridgway for a wall in one building to have, say, seven or eight feet difference in natural grade. Where in that house would the 35 feet or height start from? Kumpost responded that the natural grade was the grade before any construction began and a survey would be necessary. It would be from that grade up, unless the grade was cut as in the case of a walkout basement on that elevation and that plane, then the cut grade became the point to measure up from. It would increase if the grade was sloping up from that basement if the existing grade was higher. Once in the building, you would go with the existing grade. However, the County Code would not apply within the town of Ridgway that had its own regulations. Macfarlane explained further and discussed terracing.

Craig Fetterolf had a question on the slide of the projection of Coulter's house on CR 24. When coming down CR 24 you have this slope and the natural grade and you can go 35 feet above the natural grade. With regard to the terracing suggestion, what would happen if he was Charles Barkley and he wanted to build a basketball court beneath his house? He would need a 20-foot drop. Would he then have a 55-foot house visible? He asked if he could do that. Kumpost replied yes, as long as the highest point of the main part of the building did not exceed 35 feet above what was the existing grade. It is fine to dig down within the house. The existing grade governed within the footprint of the house even if there was a basement floor. Fetterolf asked if he could have a walkout basement. Kumpost referred to Slide 38. In that example, if Fetterolf wanted to drop down 35 feet he would not be in compliance. Kumpost explained further that he could have a basement but as soon as there was an egress at that level, there would be a grade at that level. A discussion followed. Fetterolf asked Peters to clarify the setback view lines on the escarpment on Slides 41 and 42. Peters referred to Slide 40, also, and discussed the sightlines from different viewing angles, adding that the worst-case scenario would take precedence. Macfarlane added that trees could affect the views, also.

Bud Zanett complimented the group on an excellent presentation; however, he pointed out that they did not talk about south of Ouray, the Alpine Zone area. Peters explained that the Committee specifically chose the escarpment area only because it spanned multiple issues with the Code. In terms of the south valley, the group was not recommending any change to the corridors that exist today; however, he noted that the Camp Blvd Road had been raised many times to be included. The Committee was not getting into the politics of that issue, as well as on north mesa CR 1. They were standing firm that the intent was to protect those visual corridors as originally represented. They believed that education and a companion document to accompany the existing "Before You Build in Ouray County" pamphlet would go a long way to provide guidance to potential property owners prior to building.

Eric Lederer asked Peters to clarify that the Committee was recommending that these graphics be in the proposed booklet for the public. Peters replied yes. There were two levels. The Committee members believed that there needed to be graphic representations to clarify the Code put into the actual Land Use Code in the visual impact regulations. There were also graphic examples in the companion document that may be duplicates but also separate drawings or photos showing examples of protecting the visual quality, of blending, of good architecture, etc. that was encouraged and what was not encouraged.

Dave Beckhart suggested to Coulter that in the examples he gave of the house in Pleasant Valley, some of the photos were using telephoto lens, others were not, and others were close-ups. He asked Coulter to further explain to what extent the house, or at least the ridgeline, was visible to the casual observer with the naked eye from the viewing corridors. Coulter referred to Slide 8 and noted that what the inspector was looking at was the notch. When going down the road at the posted speed limit motorists do not even see the notch; the break in the skyline goes away. Because of the way the Code was written the inspector had to get out his "peep sight" to look at that one little spot. Beckhart clarified that Coulter had said that in 2001 he had spent 2.5 weeks relocating and lowering the house and changing the pitch of the roofline causing the owner to lose his preferred use of the loft area because of the head room. He asked if anyone had noticed the result of that effort since that time. Coulter replied, absolutely not, and that was why he offered to point this out. This was something that, as builders, they had to deal with often. His whole point of bringing up this particular case study was to say that the current Code was working and the regulations did not need to be dumped because a lot of work had gone into what was written down now. He asked not to reinvent the wheel.

Diana Rogers explained that she had been through this process, herself, and the information that was imparted tonight would have been helpful. It would be nice if a person looking at a lot to build on had this information before closing escrow. It could impact a way of life. Keep that in mind. The County may want to impart this information to the realtors that, as they are selling property, it may not be buildable under the rules today.

Dan Choate concurred with Rogers. He heard a lot about how visual impact affected everyone in the room. For someone who came here who had worked hard all of their lives to come up with the money to invest in a dream home, it was important to know these things. Before You Build in Ouray County should say Before You Buy in Ouray County. He heard horror stories all of the time. That should be considered in visual impact rather than a little dip in the skyline being an

issue and costing delays in cost and time, and the cost to the taxpayers in the county to support the structure that implemented these problems.

Peters explained that with regard to notification of a potential buyer and existing lot owner, the Land Use Code had existed and evolved over time. One thing the Committee felt strongly that would help potential buyers/builders/lot owners would be to have a map, an overlay, that clearly showed the corridors and escarpment areas affected by these regulations so that they could decide if their property was subject to the regulations or not. It could be something the realtors had in their hands, on the County website, and available at the Land Use Department.

Ted Collin had a few questions related to the presentation. On the scorecard where it talked about Size and Structure with .1 point for every 100 square feet, the Committee's comment was that it "Provides incentive for smaller homes, penalizes for larger homes. No revision." He asked why they wanted to penalize larger homes. Peters replied that they were not trying to penalize them; they were just making an observation that they could be penalized if they could not meet the point system otherwise. Collin referenced the height restriction in the new proposal and asked if a Victorian-type architecture with a basement, a first and second floor, a loft and maybe a couple of chimneys would fit under the new proposal. Peters replied that dealing strictly with height limitations it would depend on how high the Victorian was. He reminded Collin that the regulations were only within the proposed corridors, not on a countywide basis. Collin was thinking countywide because that was the new proposal. Peters corrected that height would be on a countywide basis. Kumpost asked if Collin was referring to the 20-foot Tier 1 height restriction, which was repressive and unrealistic. Collin replied that he was. Kumpost explained that the group was trying to define height for the entire county but added that if Collin was talking about the proposed expanded view corridors, the Committee had stated that they did not recommend that at all. If he was talking about the Tier 1 20-foot height, he felt that would create more problems visually because the county would end up with boxes everywhere, stubby little houses with flat low-pitched roofs. People will tend to follow the path of least resistance. To get a bigger house with a more interesting look, if applicants had to jump through more hoops and spend more money and be subject to the opinion of the Staff, they just would not do it. They would either go somewhere else to build or build a box.

Macfarlane added that on the criteria question, "penalize" might be the wrong word. The key was that the bigger and taller the house, the more potential for visual impact. The Committee felt that the criteria, the way they were listed, suggested that the applicant was getting negative points the bigger and taller it was and would then be working with the secondary criteria to mitigate the height and scale and mass issues. What the Committee members liked about the point system was that it set a baseline on how big and tall a house was and then gave flexibility to use on how far it was from the road, how well it was screened, and how well it blended, so that each owner could tailor those important criteria and prioritize them through their own expression to reach a result that helped the house to blend. The Committee felt that they may want to modify the points in the table and then test drive on existing homes to determine if those points were correctly spread to achieve the desired flexibility and outcome from the point system.

Commissioner Albritton noted that the Commissioners had sent the Committee a list of possible height definitions and asked if what they described tonight fell in line with any of those possible recommendations specifically, or would what they described tonight require a separate definition.

Gardner replied that the height definitions the Commissioners provided were relatively vague and highly subjective. Something more graphic would follow a better course.

Commissioner Albritton noted that the Committee had touched on a couple of things for review and possible changes. If they were willing to continue, she would like to see their additional thoughts on blending, massing and rooflines. She wondered to what extent the gap rule was necessary and if they were looking at the gap rule today would they craft it differently.

Macfarlane shared an example of a house that skylined against a valley backdrop and whether that constituted the type of skyline break that the Code was intended to prevent. A small notch that happened to be greater than 10 feet may also represent an area where the Committee could work on finding examples of places where a lot of work was done for very little gain and use this opportunity to clean up things that are not really forwarding the effort in terms of the skyline rule, for example, and use graphics to illustrate that more clearly. He discussed how to analyze the screening. The current interpretation of percent screening was an aggregate average across the entire viewing window. The group thought there should be some way to specify how much at any viewing point in width is visible of a house or how many pieces a house was broken up into, or some way of quantifying it so that it would be easier to relate it to some graphics than come up with the percentage that seemed to result in unintended consequences.

Peters discussed Coulter's example of a notch. That demonstrated that the Code was working but a square peg could not be fit into a round hole and, as written, could not be interpreted literally because of anomalies. He noted that Paul Christensen, Ouray County Building Official, had really tried to work with those individuals stuck in the anomalies to get to a point to say that with an existing lot no matter what was done would be a struggle so they should try to come up with some compromise to allow a person to build a home on the site. In answer to Commissioner Albritton's question, he felt that the Committee would be more than willing to continue to work on this.

Commissioner Padgett asked if there was a way to put into words the concept in the Committee's building height definition graphic and if the graphic was close to what was captioned as Alternative B.

Kumpost explained that since the slide was created he had one where he clarified that within the building footprint it was the existing natural grade that governed, not a basement floor or anything like that. He added that this was a starting point and open for debate.

Commissioner Padgett noted that the building height discussion went with the County moving forward with adoption of the 2006 IRC that the Commissioners were considering adopting at the end of this building season. She asked if the

Committee would work with the County to customize it further to the degree necessary to be able to adopt it in the fall. She wanted to make sure that the IRC did not conflict with the Code with regard to a building height definition.

Macfarlane replied that the suggestion would be a standalone apart from Section 9.

Peters explained that, as builders, they felt it was important to understand the Code because it made their jobs easier. The group would be more than willing to help and serve in any way they can. The rigidity of Code today caused hardships on that one lot. Flexibility was often good but could lead to exploitation. Cleaning up and testing prior to making changes was good.

To a question by Commissioner Padgett, Peters agreed that it was essential that the appeals process be in the Code. Macfarlane added that the County was on the right track to clarify that beyond the standard hardship identified in the variance where it was simply topographic or other hard constraints, the appeal process would give relief to people who tried to show that they were attempting to meet the intent of the Code but for the uniqueness of a lot, etc. were having problems.

Commissioner Padgett discussed the Committee's recommendation for bonding to ensure continued compliance for screening and asked what that would look like for an individual residence.

Peters explained that it was a tough area but the reason why they put it in was specifically for people relying on screening as a point gainer. The idea of bonding was not going out and having a huge burden to get the bond but to have some financial stake on the insurability that those trees would survive. There was usually a 1 to 2-year period to know if the tree would survive. That would not prevent someone, however, from tearing out the screening once the bond was retired. There was language in the Code that continual compliance was required. It would then become a Code enforcement issue.

Karen Risch had a question regarding the south end of the county and someone else's question as to why there were no examples from there. It occurred to her that perhaps it was because there was not a lot of building along the Hwy. 550 corridor south of Ouray. She asked the group to speak to problems meeting the Code south of Ouray on that Hwy. 550 corridor. She asked what experience the members of the panel had building on Hwy. 550 going south on Red Mountain Pass.

Gardner built one place there that was within 1.5 miles of Hwy. 550 but it could not be seen.

Commissioner Meinert thanked the Committee for the extensive work that they put into the presentation and the fact that they agreed to continue to be a resource for the Commissioners. Regarding the issue of skyline breakage, the Commissioners recognized that it was difficult on lots like Coulter's that were not on the escarpment or a ridgeline, it was off of the escarpment. They were thinking of abandoning the skyline breakage on anything other than prominent ridgelines and escarpments. The presentation talked about the difficulty on the skyline breakage issue off of the ridgelines and escarpments. He asked if the Committee favored having no skyline breakage regulation except on ridgelines and escarpments.

Macfarlane replied that the group talked about identifying as primary those key ridges from the highway corridors but then there may be a few places where if the ridge was prominent enough and created another effective skyline that should be looked at. It was a discussion to continue to try to define, even though work was involved up front, trying to find some way to map those out so that people know in advance of purchasing all the way through approval which are the critical ridges and escarpments. That would then help to clarify the definition in all regards because now "ridge" has a definition that is not always applicable. It was unclear whether ridge was where the slope breaks or the escarpment to measure to.

Commissioner Meinert noted that one reason why the Commissioners were struggling with the issue was the notion that the configuration of some lots may make them unbuildable and that was certainly not the intention.

Commissioner Padgett noted that from the presentation it appeared that the group was still okay with the original Section 9 definition of Purpose. Peters replied yes.

Jeff Scott, Planning Commissioner and "new guy on the block", explained that he did not even know that Log Hill existed so the existing Code was doing something right because he did not know there were houses up there. In many jurisdictions visual impacts are not even addressed in the zoning code. What he has seen in many cases was something like the companion document. It was a very good suggestion by the group and would be a great document to have in place for everyone. The setbacks are so rigid and when dealing with visual impact it is a very contextually, sensitive element. Variable setbacks, depending on where the individual lot is and where the viewshed impact is, are a really good idea. Graphics say a lot and he felt that there was a need for more graphics for better understanding. The maps highlighting the corridors, the ridges and the escarpments that apply are integral to the process.

Commissioner Padgett opened the meeting to general public comment.

An unidentified speaker claimed that it was interesting to note that in the last 24 years the existing Code had not had one addition or amendment. Some facts were brought up that probably needed revision. The Commissioners were on the right track to go back to the original Code and make revisions and amendments to make it work.

Howard Greene felt that the meeting was fantastic. He thanked the Commissioners for being willing to step back and take another look after hearing from the public. He thanked the ad hoc committee adding that it was amazing how much work they had done and how clear their thinking was. It was a perfect example of good democracy and how things should work.

Al Lowande was relatively new to the area. One reason he moved here was for the incredible views and he was impressed by the fact that there was a county government that cared about visual impact and was relatively progressive. He asked Peters why he was against expansion from the existing corridors to other county roads. Larry Kumpost pointed out, after seeing how complex the visual impact was now, how much more complicated it would be if all of the roads in the county were included. He also pointed out potential litigation when people would be told that they cannot build to a certain height that they could when they bought the property.

Peters noted one other consideration. If the County started requiring almost every application to go through a separate process it would be difficult to administer in terms of timeliness and process. It would be an excessive burden for the County requiring more staff and review process, compounding the burden of getting a permit. A lot of that could be effectuated through a companion document.

Craig Jackman asked how the visual impact regulations would work if applied to the urban areas of Ridgway, Ouray and Colona.

Peters pointed out that one of the desirable characteristics of this region was that it was not a "megatropolis" where one city merged into another city and another without a break in between. Trying to impose those regulations on the towns would be a difficult process. Population should be directed to the towns and regulations in the towns should be administered by them.

Randy Parker moved here relatively recently because of the incredible beauty here. He was concerned from meetings that he had attended that the regulation did not address one issue at all. The County contracted with the Theobald Study and the RPI Study to talk about the tremendous impact the build-out in Telluride would have on Ouray County. The County has done a good job of managing visual impact because most of the building has been in the corridor that the County was regulating. The Telluride Study says that in a relatively short period of time the pent-up demand from Telluride would be coming this way. He thought that the citizens deluded themselves that if they polish this visual impact regulation and leave it on the limited travel corridors where it is now, the whole county was protected. There is a huge portion of the county left unprotected. He did not know if it was a good idea to expand to all county roads, all Forest Service roads, but what he did know was that if the County does not regulate the visual impact in these other areas it would not get the same kind of protection that it has on Hwy. 550 and Hwy. 62. He appreciated the technical things that were raised but felt that they had turned a blind eye by not addressing the question of the huge mass of this county that is not regulated by visual impact regulations. No one wants to go to a design review for the entire county. We need to think outside of the box and figure out how to regulate those huge areas that are not regulated now. To think that we can educate people to do blending is naïve.

Peters explained that the existing corridors did not lie strictly on Hwy. 550 and Hwy. 62. It was important to recognize that the County had zoning that has protected the valley floor in terms of its potential development. He discussed zoning in various areas of the county. There was a layer of protection in many areas outside of the valley zones when future development comes in. There were very few areas left that were capable of being developed, mostly directed to the north Log Hill area. The zoning was a protection in itself. Between topographic constraints and the existing land use regulations he felt that the County was afforded quite a bit of protection.

**9:10 Commissioner Padgett closed the meeting.**

*[All exhibits are maintained in the County Administrator's Office.]*

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
OURAY, COLORADO

ATTEST:

\_\_\_\_\_  
Lynn M. Padgett, Chair

\_\_\_\_\_  
K. Keith Meinert, Vice-Chair

\_\_\_\_\_  
Michelle Nauer, County Clerk and Recorder  
By: Linda Munson-Haley, Clerk of the Board

\_\_\_\_\_  
Heidi M. Albritton, Commission Member

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

Description	Points	Comment/Revision
PRIMARY CRITERIA - points for the following The point system		No revision
Size of Structure	.1 point for every 100 square feet	Provides incentive for smaller homes, penalizes for larger homes. No revision
Height of structure. (See Section 3.3)	.3 point for every foot of the maximum structure height.	Encourages low profile homes. Need clarification for height interpretation
SECONDARY CRITERIA - Points for the following criteria are to be subtracted from the primary criteria:		Point awards need further analysis based upon final resolution of revisions.
Area of the parcel or lot (only where the lot or parcel is 7 acres or greater).	.3 points for every 1 acre (maximum of 5 points allowed)	Possible removal of this section. It may not result in buildings being further from the road or less visible.
Amount of natural screening.	.1 point for every 1% of screening.	Needs additional review to clarify effectiveness and define how to measure screening
The exterior (including trim and garage doors) is colored with earth tones and/or otherwise blend with the surrounding landscape.	3 points.	The exterior (including trim and garage doors) is colored with earth tones matching existing adjacent landscape and must otherwise reflect or blend with the surrounding landscape. County to provide photographic examples to clarify intent. Require sample board of materials to be used. Note: this section provides the most points toward compliance.
Distance of structure from a designated road. (See Section 9.3A.)	.5 point for every quarter (1/4) mile. The proposed structure is located within an existing subdivision or PUD that was approved prior to 3/4/86.	No revision, however point awards may need adjustment

<p>The proposed structure is located within an existing subdivision or PUD that was approved prior to 3/4/86.</p>	<p>1 point</p>	<p>No Revision</p>
<p>Additional screening that blends with the natural surroundings.</p>	<p>.1 point for every 1% of screening.</p>	<p>Needs additional review to clarify effectiveness and define how to measure screening. Need specific performance criteria and bonding by applicant to ensure continued compliance.</p>
	<p>Massing and roofline</p>	<p>Consider possible points for massing and varying rooflines</p>
<p>C. No structure shall break the skyline as seen from any viewing point within any viewing window as established by Section 9.6 D. of this Code except the following:</p> <p>(1) Where there is a gap in the existing skyline no greater than ten (10) feet wide, a maximum length of ten (10) feet of the roof and walls of the structure may be visible as measured along the skyline, but shall not exceed the height of a horizontal line extended from the high point of the lower side (see Illustration A, Gap A).</p>	<p>Additional graphics demonstrating multiple gaps.</p>	
<p>Where the roofline is not horizontal to the viewing window, an additional maximum length of twenty (20) feet of the roof and walls of the structure may be visible as measured along the skyline. This additional twenty (20) feet must not be connected to the first ten (10) feet and shall not exceed the height of a horizontal line extended from the high point of the lower side to the high point of the high side (see Illustration A, Gap B).</p>	<p>Additional graphics demonstrating multiple gaps</p>	
<p>D. In addition to any requirements imposed by this section, all structures falling within a viewing window and/or located along a ridgeline or escarpment shall be set back a minimum of fifty (50) feet from the ridgeline or edge of escarpment.</p>	<p>A 50' minimum foot setback to meet recommended fire mitigation requirements is mandatory. Specific setbacks shall be determined by line of site exhibit provided by applicant and verified by Ouray County Building Official. See revisions to definitions.</p>	

E. All public or private road and driveway cuts and fills shall be revegetated and/or reforested utilizing materials native to the disturbed area.	No revision.
9.6 DEFINITIONS	
A. EDGE OF ESCARPMENT. The line of intersection whereby a cliff or steep slope (50% or greater) separates two comparatively level or gently sloping surfaces.	Provide graphic section and plan view map defining escarpment condition.
B. RIDGELINE. The line of intersection at the high point between opposing slopes.	Provide plan view map defining major ridgelines of concern
C. SCREENING. A natural or artificial means of hiding all or a portion of a structure from public view.	Provide graphic section and or photographic representations. Need clarification as to what comprises artificial screening.
SKYLINE. The line where the earth or vegetation and the sky seem to meet.	Provide plan view map defining major skylines of concern
E. VIEWING WINDOW	No revision
F. VISUAL IMPACT PLAN.	Make available example for review at land use office
9.7 ADDITIONAL STANDARDS:	
A. All roofing, siding and windows used shall not be constructed of highly reflective materials. These materials shall include, but not be limited to: stainless steel, polished metal, bright metal, galvanized metal and glass coated with reflective material.	Require sample board of materials to be used
B. The use of down lighting is encouraged to avoid glaring or excessively bright general lighting. It is desirable that no direct light be radiated above a level that is five degrees (5°) below horizontal. Proper reflectors will actually increase available light where needed and avoid contributing to "light pollution" of clear night skies. Lighting related to emergency services events and response, motion activated lights on a short timer cycle, temporary seasonal lighting displays, and specific, limited, feature enhancing lighting are appropriate exceptions.	All applications shall comply with Section 27 - Outdoor Lighting of the Ouray County land Use Code
9.8 COVENANTS RELATING TO VISUAL IMPACT	No Revision

# Alternatives to Visual Impact Recommendations

Presented to  
Ouray County Planning Commission  
September 6, 2012

## Alternative to Visual Impact Recommendations

# Skyline Breakage

- Problem with Current Draft:

- It regulates non-ridgeline and non-hill top development too severely.

- **PROPOSAL:**

- The clearest and most common way to control skyline development is by mapping or defining important ridges for protection.

- Regulate development on ridgelines and hill tops using the current gap rule.

- Consider allowing unilateral skyline breakage of a certain logical percent silhouette and along a reasonable distance, except on ridgeline and on hill tops.

## Alternative to Visual Impact Recommendations

# Point System

### Problem with Current Draft:

- More points for mitigation have been removed than have been added.
- Distance has been weighted too heavily.
- Size of parcel has been dropped and this had served to reduce density.
- Added landscaping points have been reduced.
- Applicants are left without discretionary mitigation tools.

### Result:

- Applicants will have a far more difficult time getting approval under the proposed system than under the present system.

## Alternative to Visual Impact Recommendations

### Point System, continued

#### Proposal:

- Modestly sized homes that blend, are close to the road, and have average natural screening should pass the point system without additional mitigation.
- Large homes that blend and are greater than one mile from the road should pass the point system without additional mitigation.
- Very large homes greater than one mile from the road should pass using mitigation tools available in the point system.
- Point system should be geared to have more clarity, not to be more onerous.

## Alternative to Visual Impact Regulations

# Average Height

### Problem:

- Calculation of average height is too complicated when measuring as you travel along a viewing window.

### Proposal:

- Measure for height of structure from the building plans.

## Alternative to Visual Impact Recommendations

# Non-Conforming Parcels

### Problem:

- Significant numbers of new non-conforming parcels will be created if corridor roads are expanded.
- Property owners used good faith to buy their property prior to enactment of restrictions that could change or limit previously allowable building locations , will add unnecessary regulatory burdens, will add real additional costs to build, and will reduce the value of their property.

### Proposal:

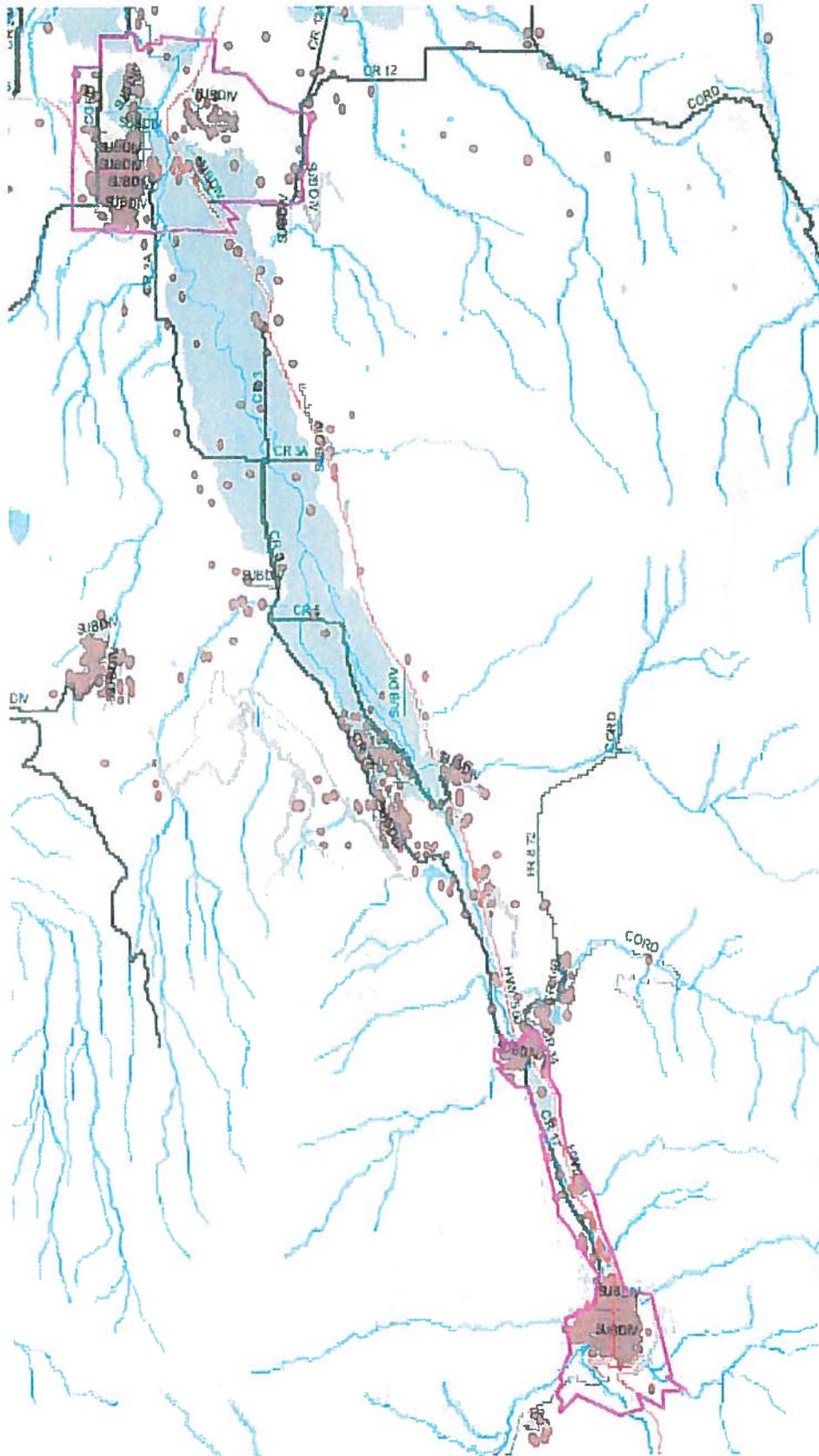
- The county should relax the visual impact regulations for those parcels that become non-conforming due to possible expansion of corridors.

## Alternative to Visual Impact Recommendations

### Conclusion:

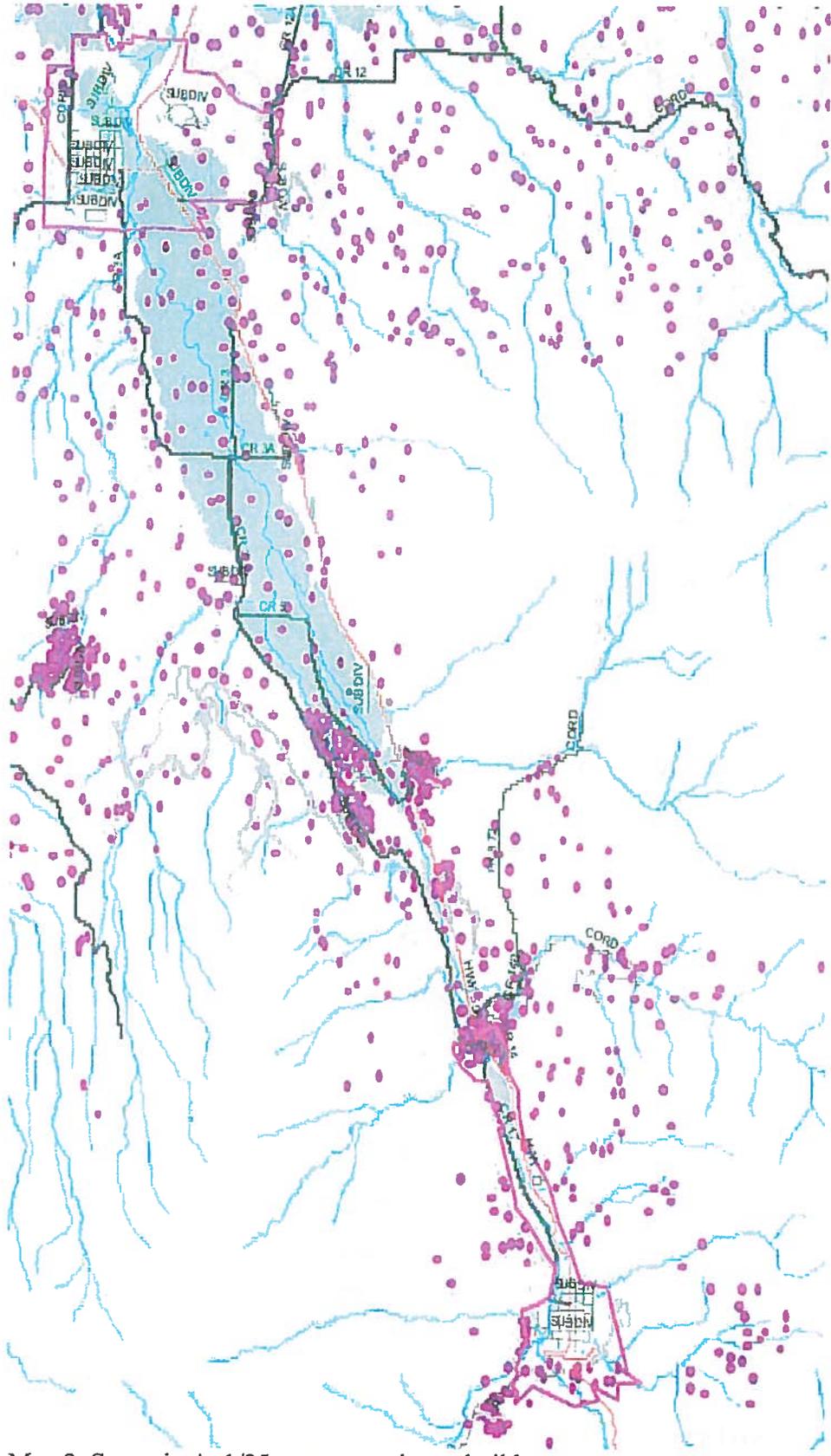
- Wide ranging changes to the visual impact regulations should address a pressing, immediate and well demonstrated problem. If problems have not been proven, then stay with present code.
- Fact that all other jurisdictions protect not skyline but ridgelines and hill tops should show that skyline protection is wrong approach.
- Changes to the point system should not serve as hidden maximum size regulations.
- Remember the rights of the real property owners of this county!

From Dr. Dave Sheobald 2008 Buildout Study



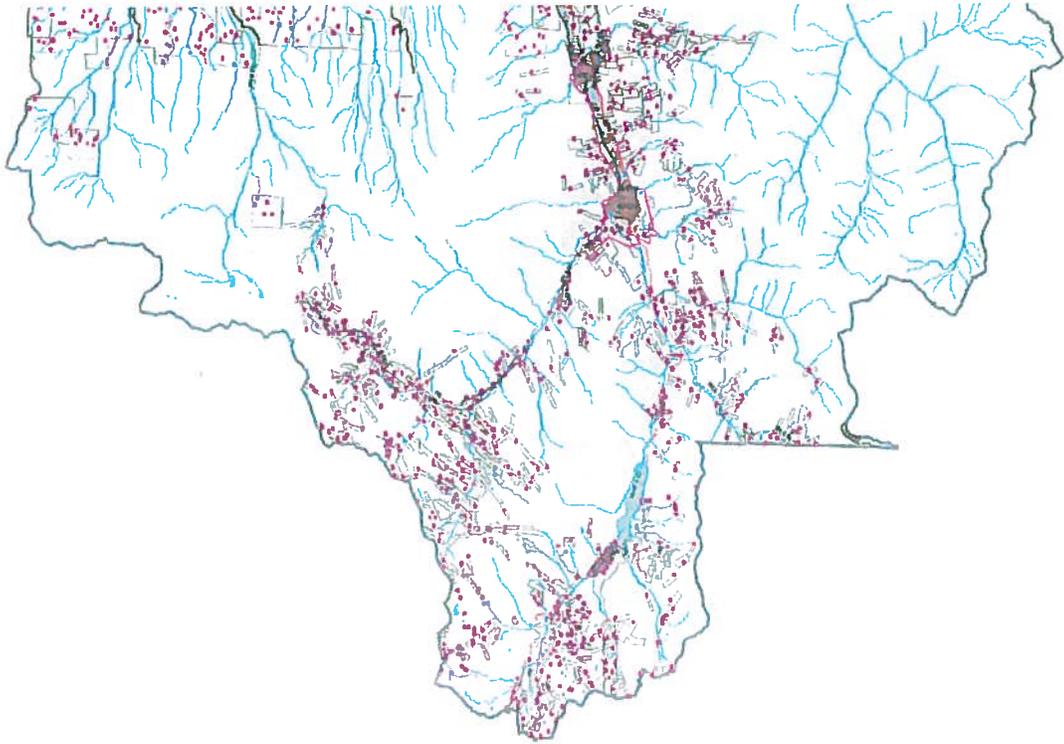
Map 1: Current Development

From Dr Dave Sheobald 2008 Buildout  
Study

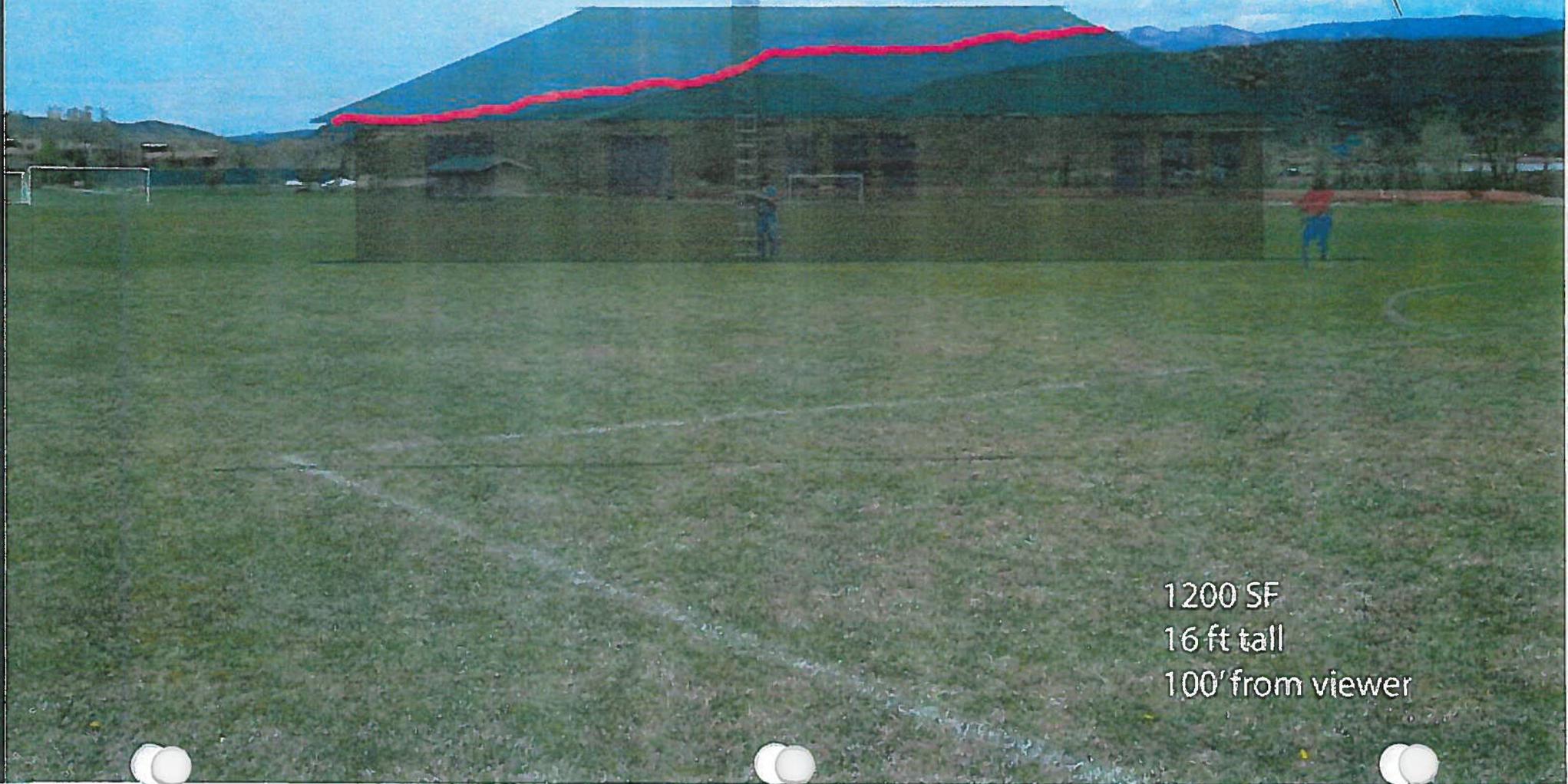


Map 2: Scenario A, 1/35 current zoning at build-out.

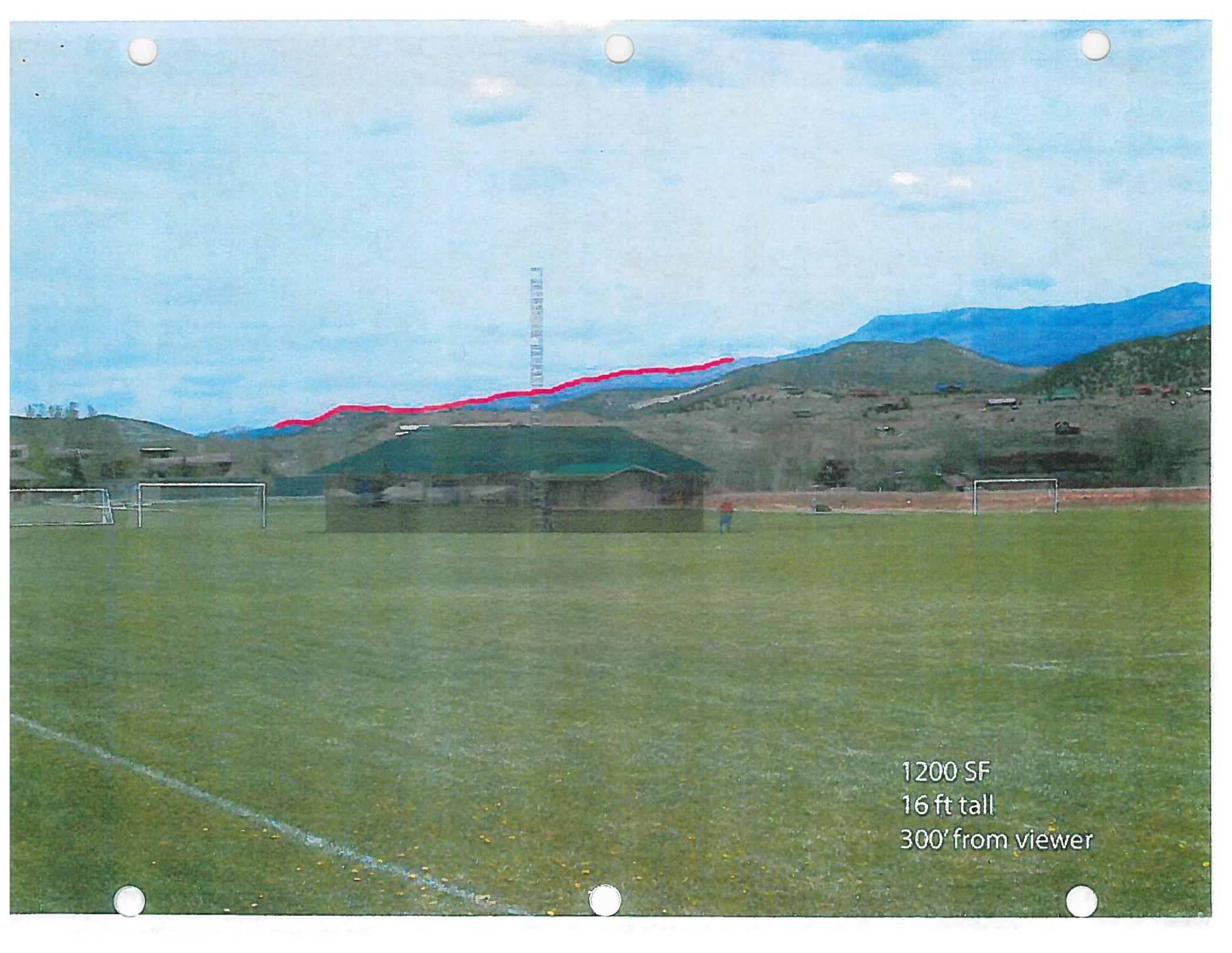
From Dr. D. Theobald Bulldont Study



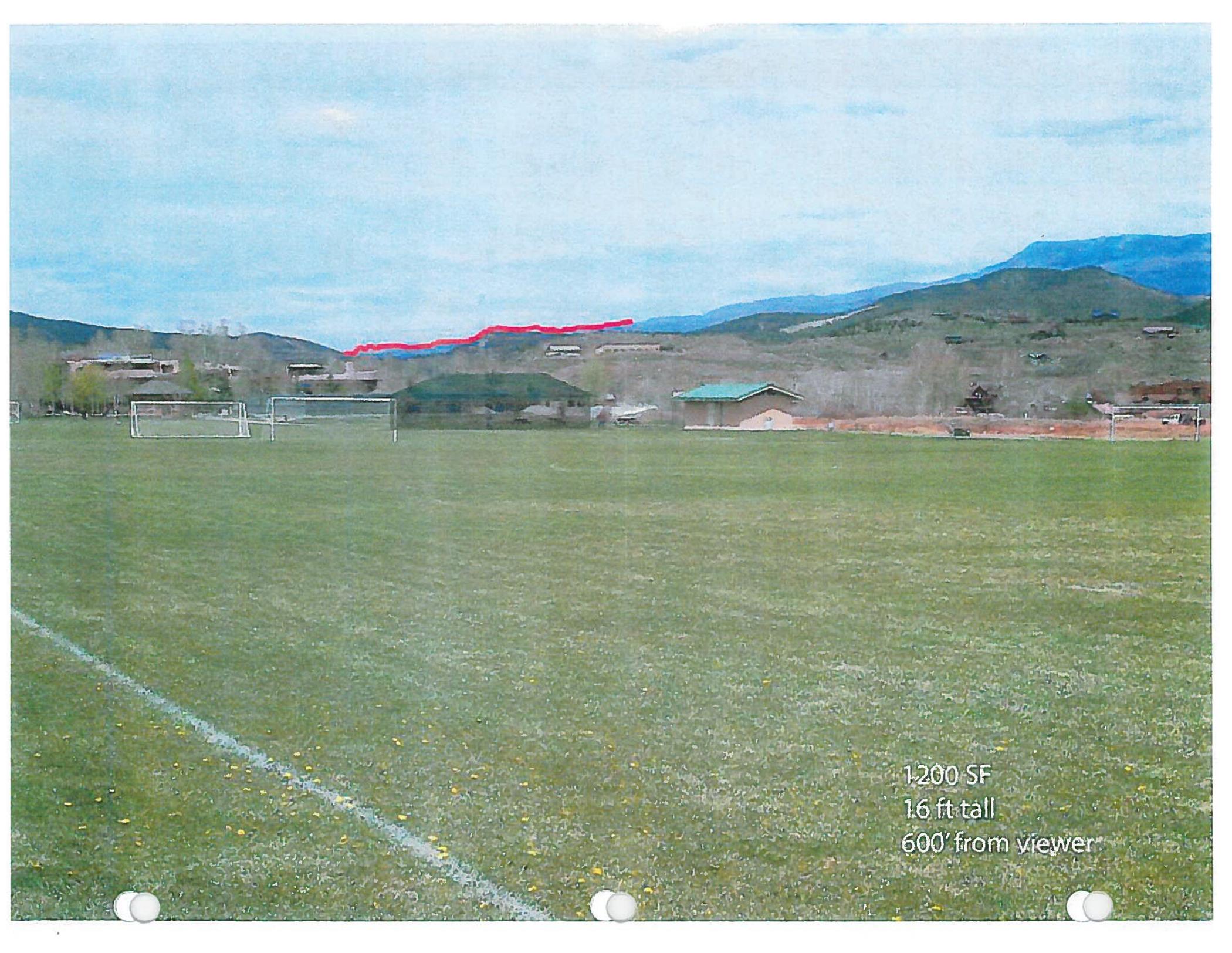
Staff's Presentation: Visual Impacts at Various Distances from Road



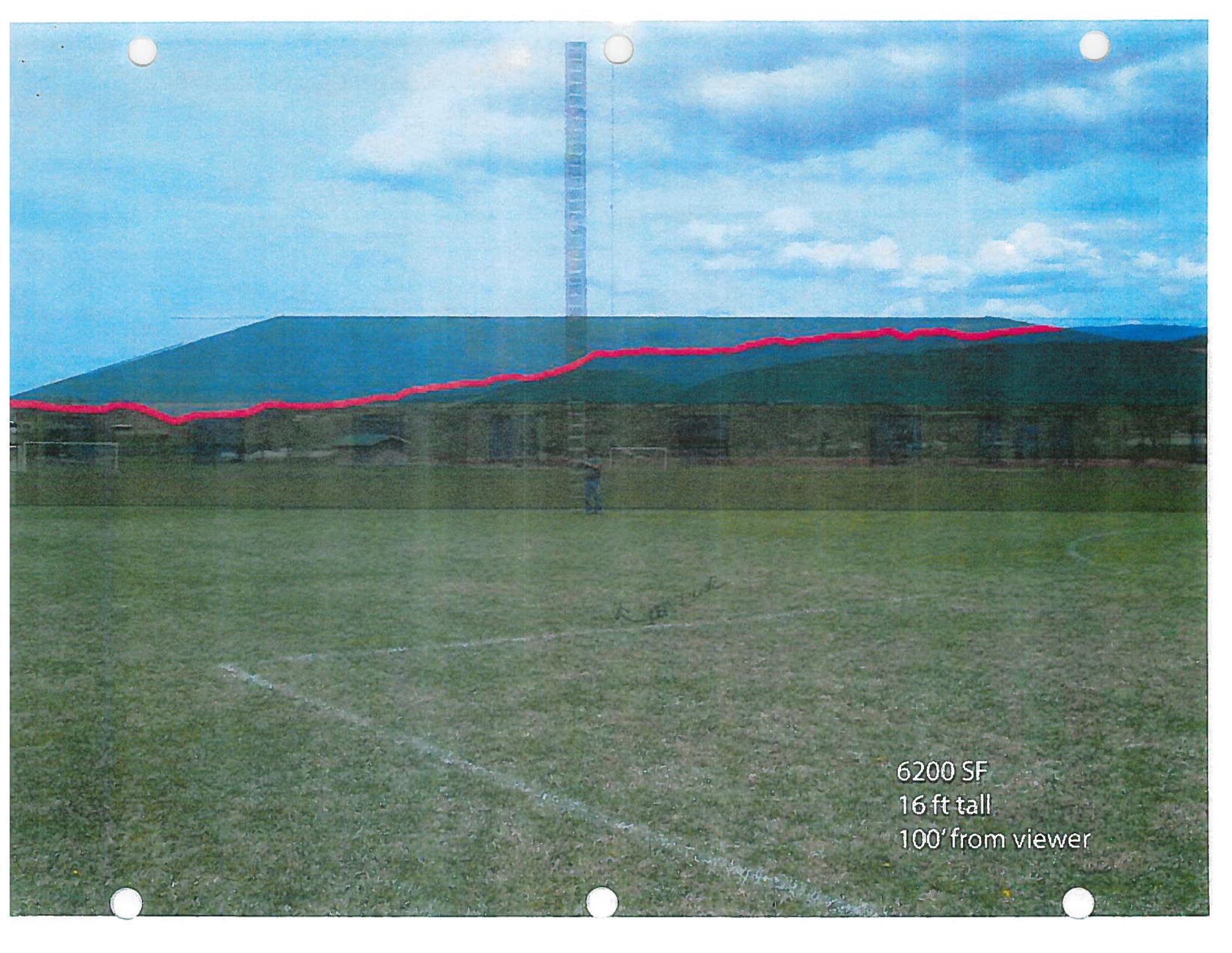
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100' from viewer



1200 SF  
16 ft tall  
300' from viewer



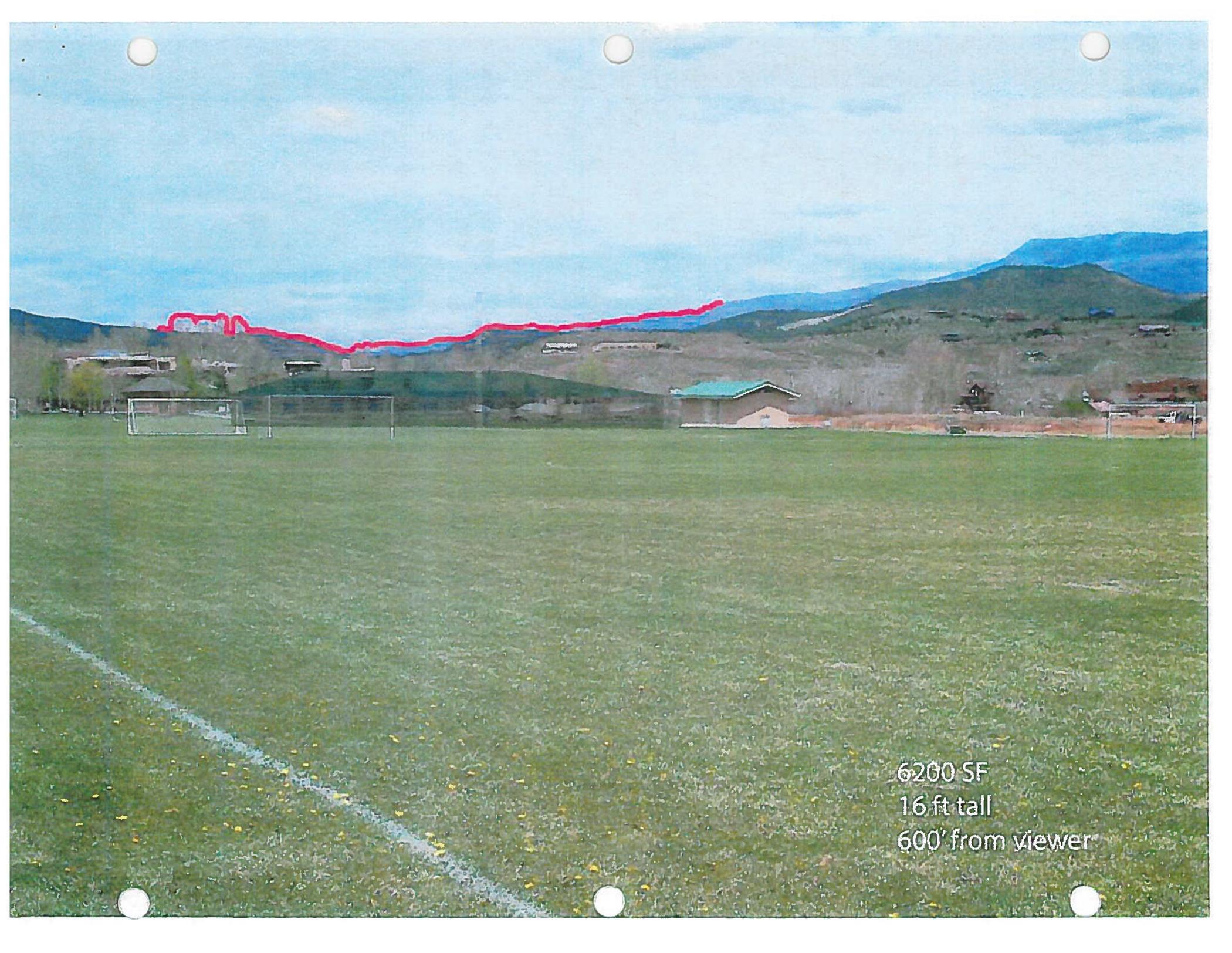
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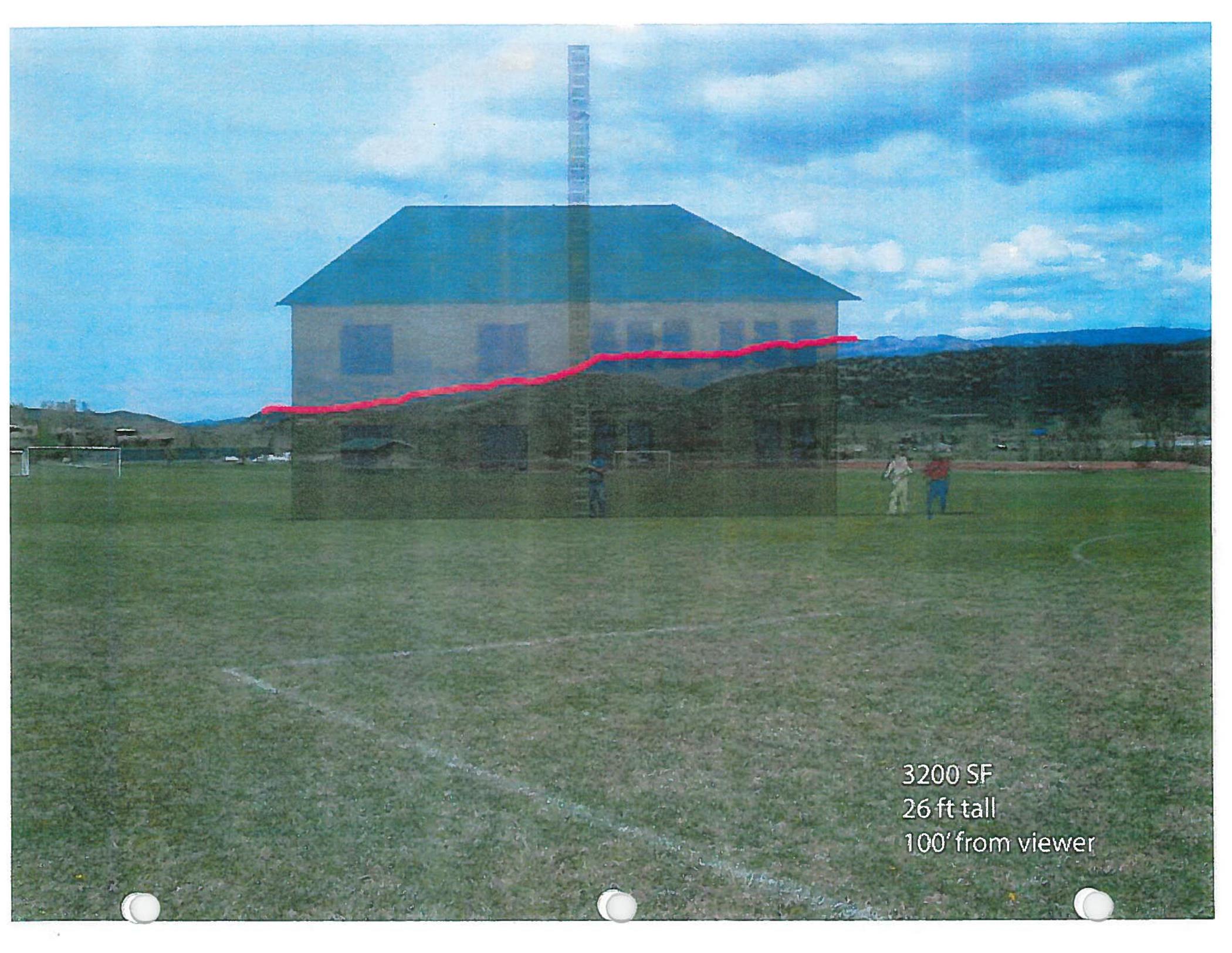
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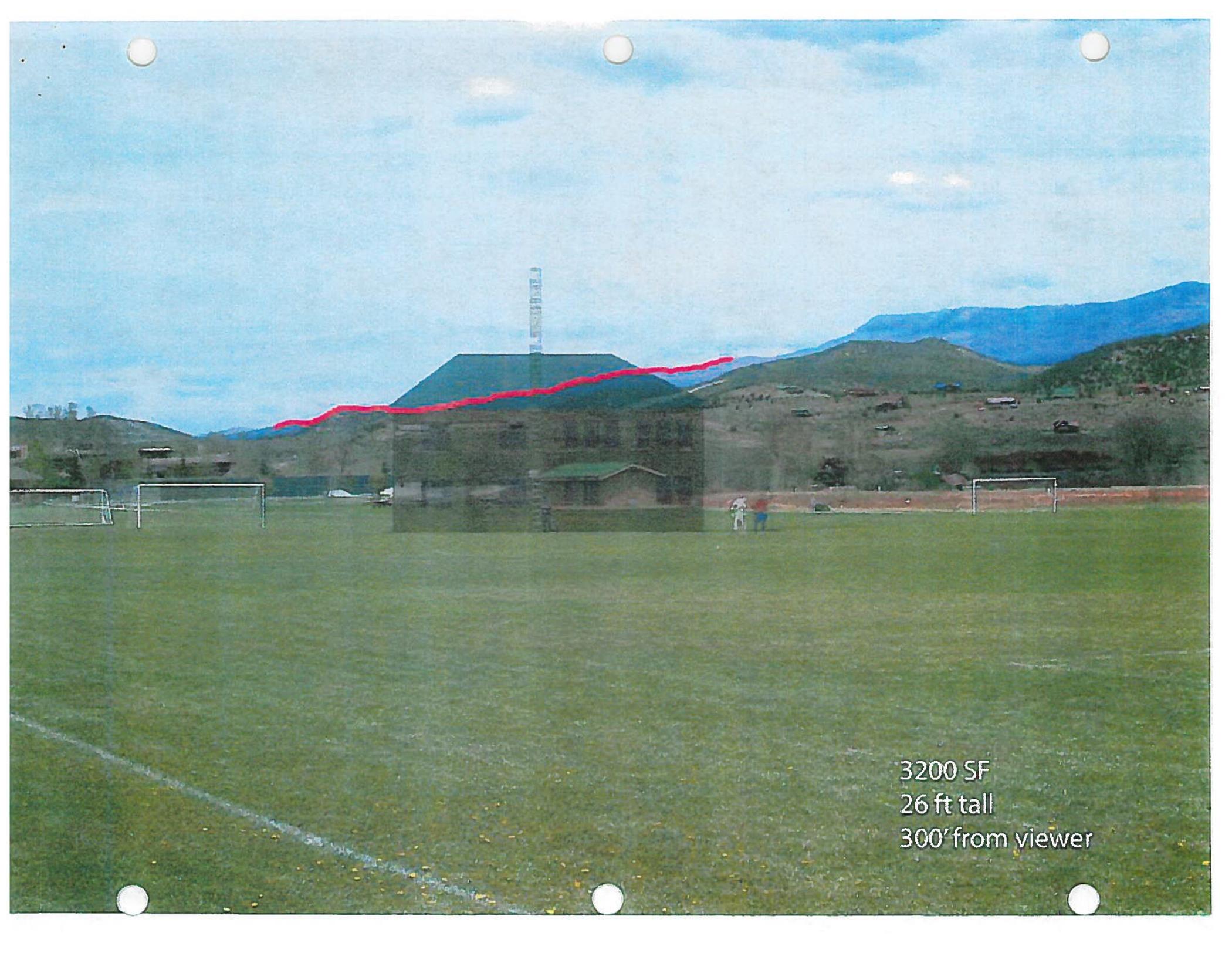
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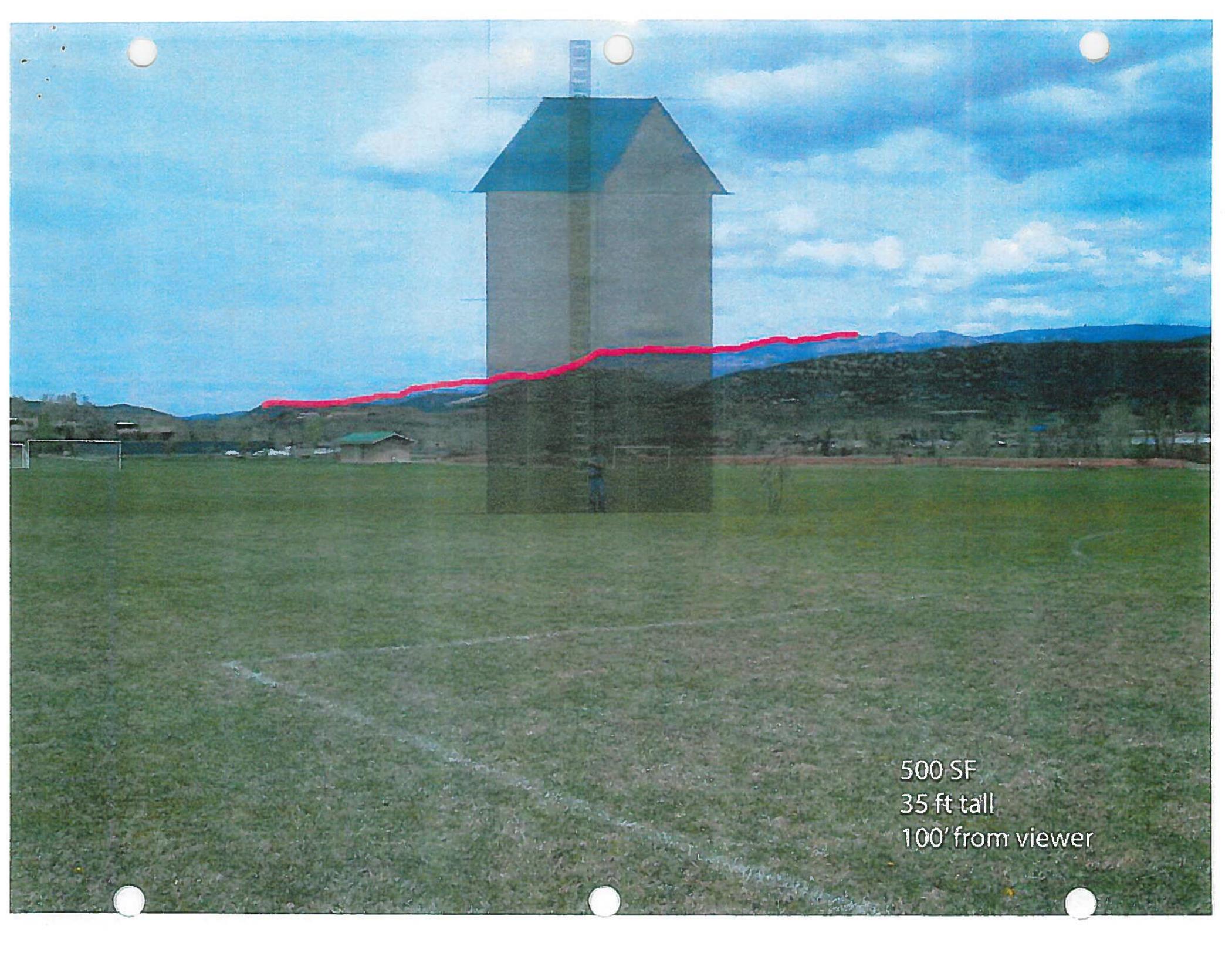
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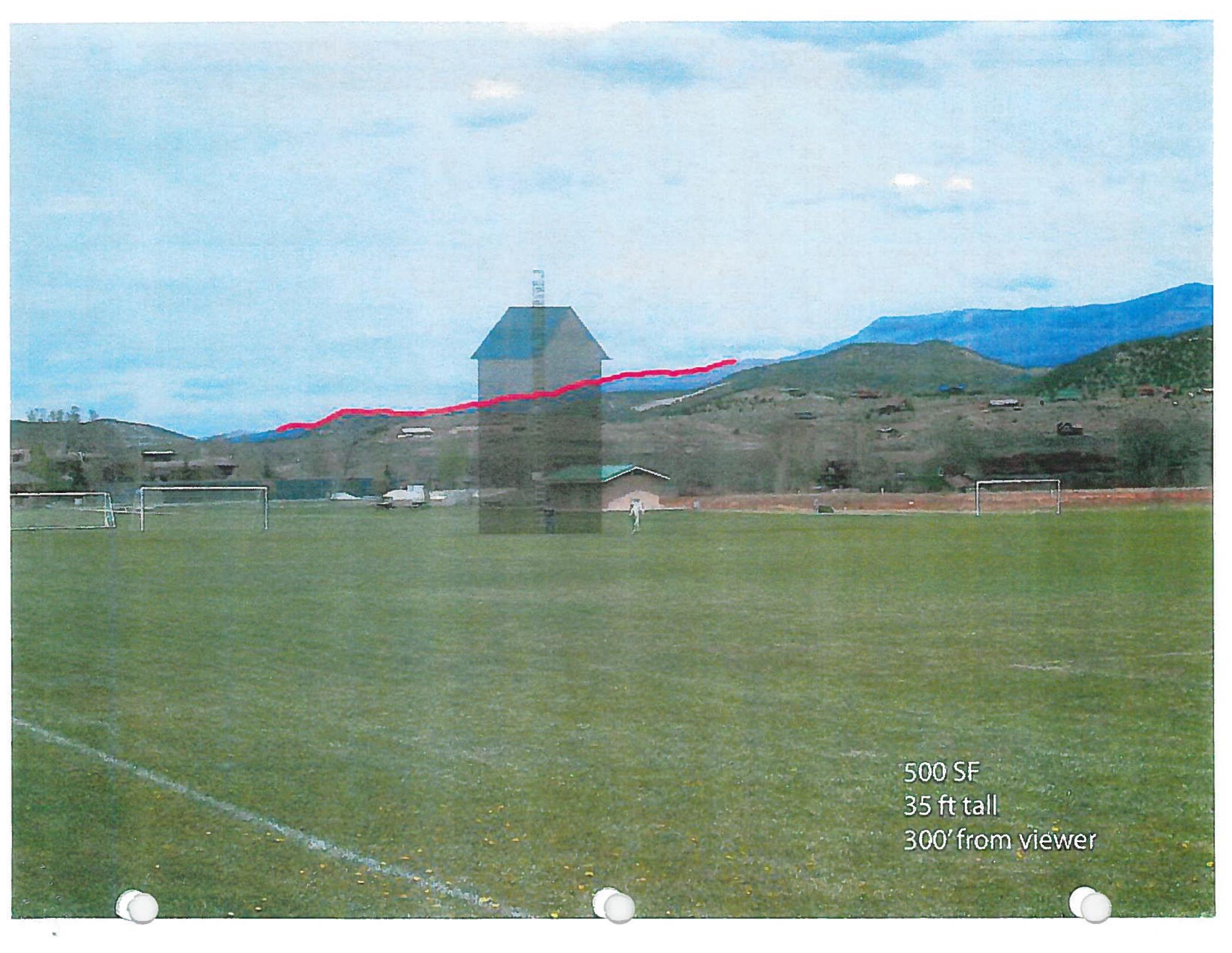
3200 SF  
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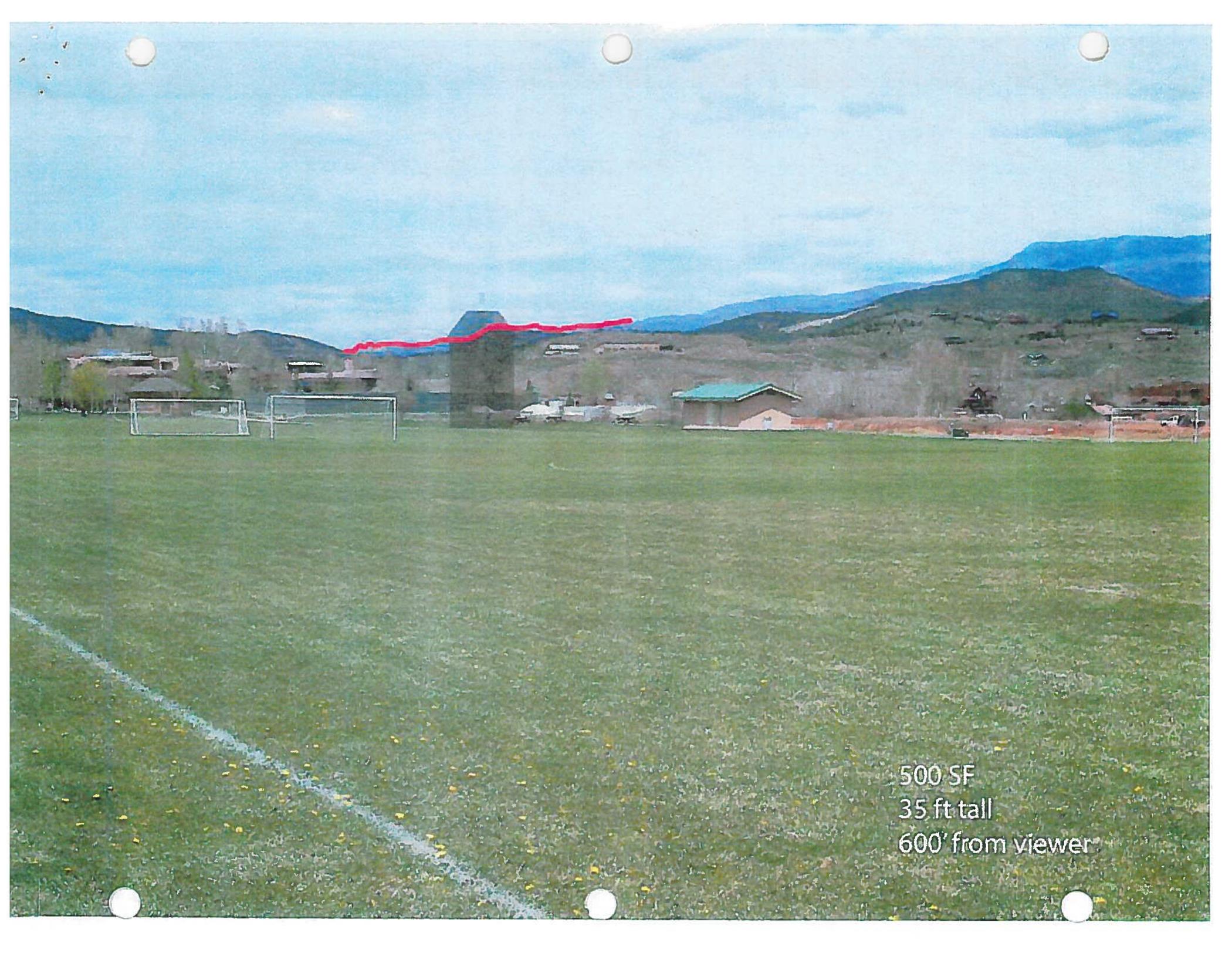
3200 SF  
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100' from viewer



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300' from viewer



500 SF  
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600' from viewer

## Ouray County Planning Commission:

### Definitions:

**Building Massing:** The general shape, or shapes of a building and attached structural and/or ornamental elements.

**Apparent or "Perceived" Building Massing:** The general appearance of a building or structure as modified by shadows, the addition of fenestration and changes of materials, textures and colors.

### Reducing Visual Impact:

Buildings that have large simple forms, or large unbroken expanses of the same material and color, can appear more massive and 'box-like' as seen from various points along the view corridor. Modifications in Building Massing and the incorporation of design features that improve (incorporate features to address) the Apparent Massing can be very effective in reducing the visual impact of a building.

Building Massing can be configured to generate shadows by providing recessed areas, such as at fenestration, and/or projecting elements, such as roof overhangs, cantilevers, balconies, porch roofs, sun shades and attached trellises. The addition of strong horizontal and vertical elements can reduce the visual impact of a building or structure.

The incorporation of design features that modify the Apparent Massing of a building can be used to reinforce desirable aspects of the Building Massing or, as an alternative, modify some less desirable aspects of Building Massing in order to reduce the visual impact of a building or structure.

- The size, shape and placement of fenestration is an important aspect of design and can be used to both reinforce Building Massing and reduce large areas of uninterrupted wall surface area.
- Changes in exterior finish materials, colors and textures can also be used to reinforce Building Massing elements, where desirable, or in other cases modify the Apparent Massing of a building or a structure in order to mitigate undesirable aspects of Building Massing.
- The use of contrasting trim and other ornamental design elements can be used to enhance a design and reduce visual impact. In addition, the provision of practical design elements, such as solar screening for passive solar design, can also add interest and reduce visual impact.
- Good design, utilizing principles of Apparent Massing can create structures that better integrate with and relate to the surrounding landscape, minimizing the need for screening and allowing structures to be more visible while still accomplishing overall goals of visual impact regulations.

## **Points for Building Massing and Apparent Massing:**

This is the fun part. ;-)

Comments from Doug Macfarlane:

Thanks Larry- this looks like a great start, and a good way to move the discussion forward.

I agree with having these as handouts for the P&Z.

Just a few thoughts,  
apparent massing definition could also include "building profile" to relate to skyline and variation in roofline/massing

Under reducing visual impact narrative, possibly add wording  
Buildings that have large simple forms, **or large unbroken expanses** of the same material and color...

### **Note: Language added**

Instead of improve in next sentence possibly use- **incorporate features to address**

### **Note: Added As Alternative**

Add can **be** very in last sentence

### **Note: Corrected**

Add a final bullet point-

Good design, utilizing principles of Apparent Massing can create structures that better integrate with and relate to the landscape, minimizing the need for screening and allowing structures to be more visible while still accomplishing overall goals of visual impact regulations.

### **Note: Language added with slight modification marked in blue**

In terms of awarding points-  
easiest is probably a simple Y/N with points awarded or not based on comparing with examples in the companion guide. This should be an important component of meeting overall point total (along with distance and natural screening).

Otherwise you quickly get into how to put numbers on sf of unbroken surfaces, distances between features etc. and becomes harder to write and administer without unintended results.

Thanks Larry, see you tonight.

Doug

**Note: I also reviewed this with John Baskfield who is in general agreement, including the comments from Doug Macfarlane.**



# **MASSING & APPARENT MASSING IMAGES:**

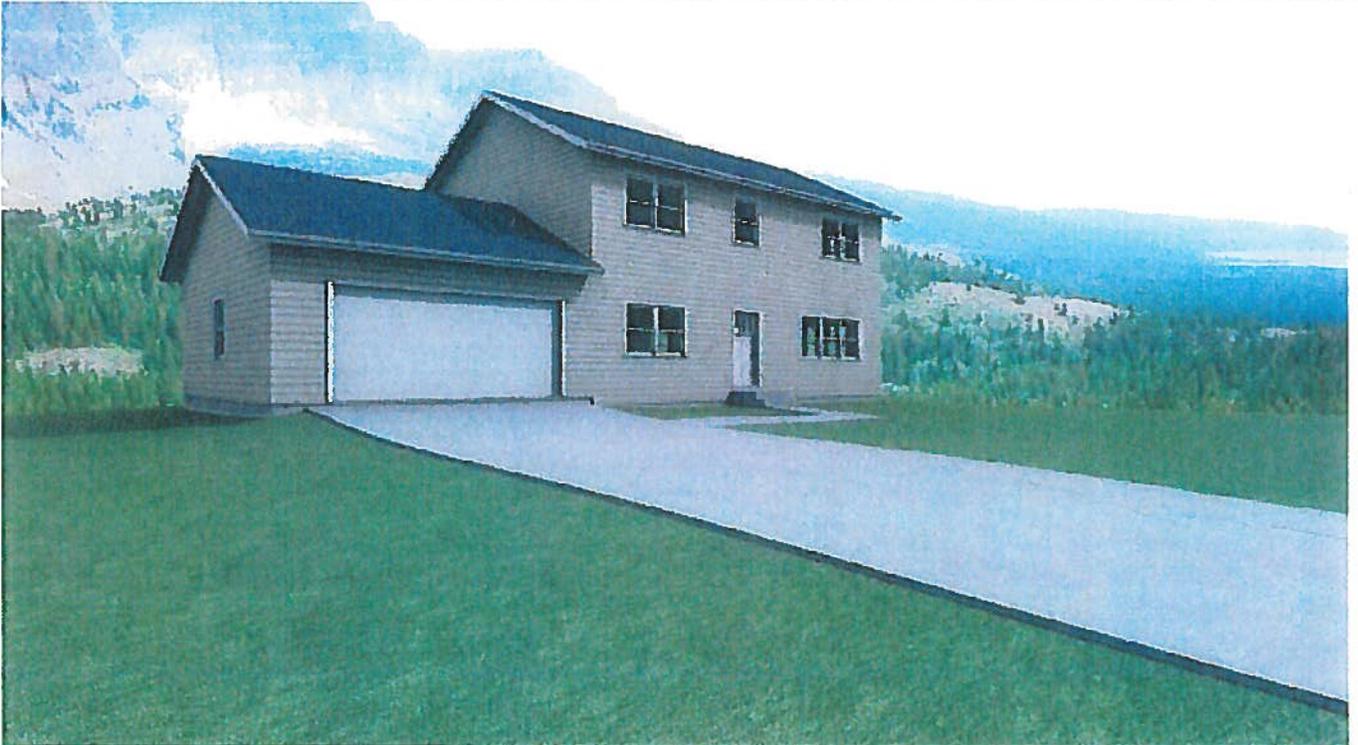
- THE FIRST 5 VARIATIONS OF ONE BASIC PLAN ARE DELIBERATELY SOMEWHAT MONOCHROMATIC IN ORDER TO INITIALLY CONCENTRATE ON MASSING ISSUES BEFORE ADDRESSING COLOR, CONTRAST AND BLENDING ISSUES.
- THE SHADOWS, IN ALL THE IMAGES, ARE BASED ON THE SUN POSITION AT 10:00 AM STANDARD TIME ON THE SPRING AND FALL SOLAR EQUINOX, MARCH 21 AND SEPTEMBER 21. FROM MARCH 21 TO THE SUMMER SOLSTICE, JUNE 21, THE SUN WILL GRADUALLY MOVE HIGHER IN THE SKY, CASTING MORE SHADOW, THEN WILL GRADUALLY GET LOWER UNTIL THE WINTER SOLSTICE ON DECEMBER 21.

# **ISSUES WITH BUILDING HEIGHT CALCULATIONS & POINTS:**

- GABLE VS. FLAT ROOF, SEE PAGE 8
- BUILDING HEIGHT AVERAGING, SEE PAGE 9.

# **PRELIMINARY**

## **OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING**



OTHER THAN THE LOWER GARAGE ROOF, AND SOME ALIGNMENT OF FENESTRATION BETWEEN THE LOWER AND UPPER LEVELS, THIS VERSION DOES LITTLE TO REDUCE THE APPARENT MASSING OF THE 2 STORY STRUCTURE. THE 18 INCH OVERHANGS DO PROVIDE SOME SHADOW AREAS. NOTE HOW THE SIDING ON THE LEFT SIDE OF THE BUILDING, THAT IS NOT IN DIRECT SUNLIGHT, READS DARKER THAN FRONT AND RIGHT SIDES.

## OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING



IN THIS VERSION OF THE SAME PLAN THE SMALL ROOF OVER THE ENTRY PROVIDES A LITTLE DETAIL AND SOME SHADOW BUT DOES LITTLE TO REDUCE THE APPARENT MASS OF THE BUILD. THE STONE VENEER, FULL HEIGHT AT THE GARAGE AND A WAINSCOT BELOW THE WINDOW SILLS, ALONG WITH THE CHANGE TO A SHINGLE SIDING, SLIGHTLY DARKER THEN THE HORIZONTAL SIDING, AT THE GABLE WALLS HELP REDUCE THE APPARENT MASS AND, TO SOME EXTENT, THE PERCEIVED HEIGHT OF THE BUILDING. THE ROOF OVERHANGS ARE STILL 18 INCHES.

## OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING



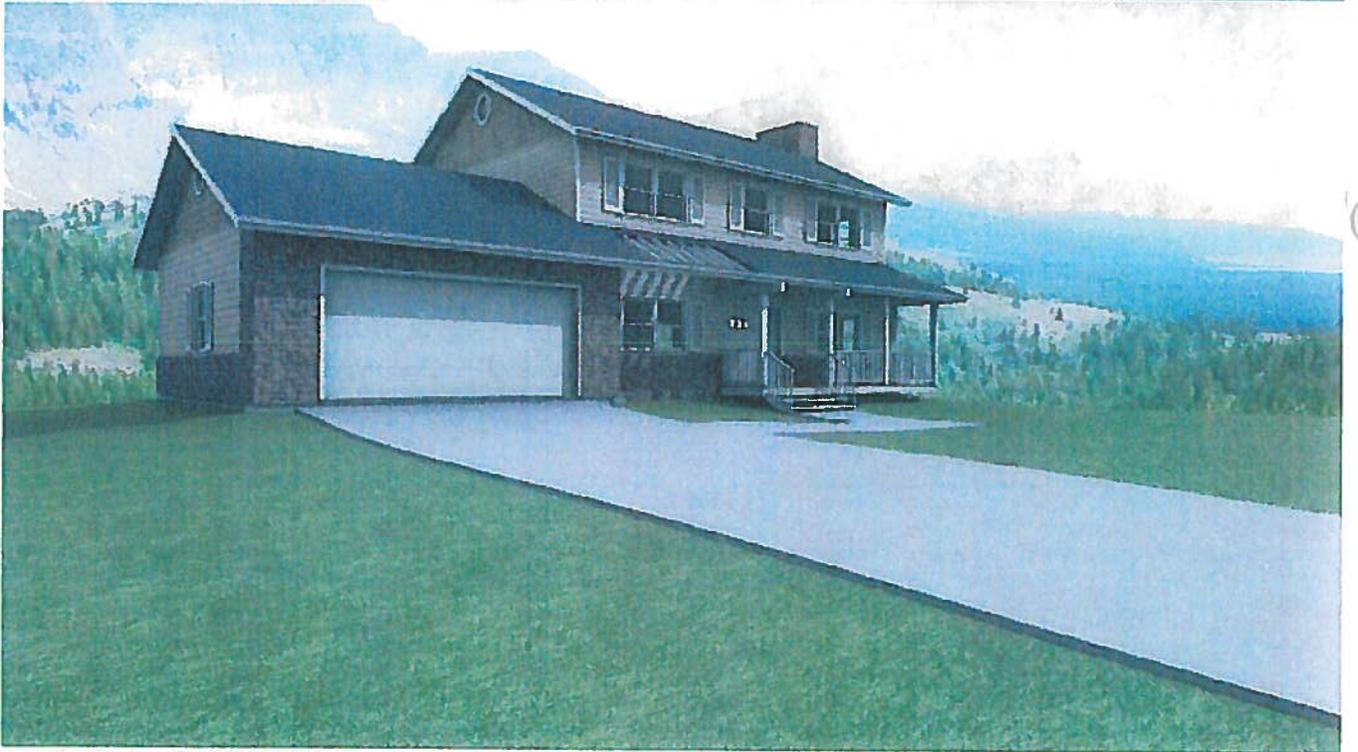
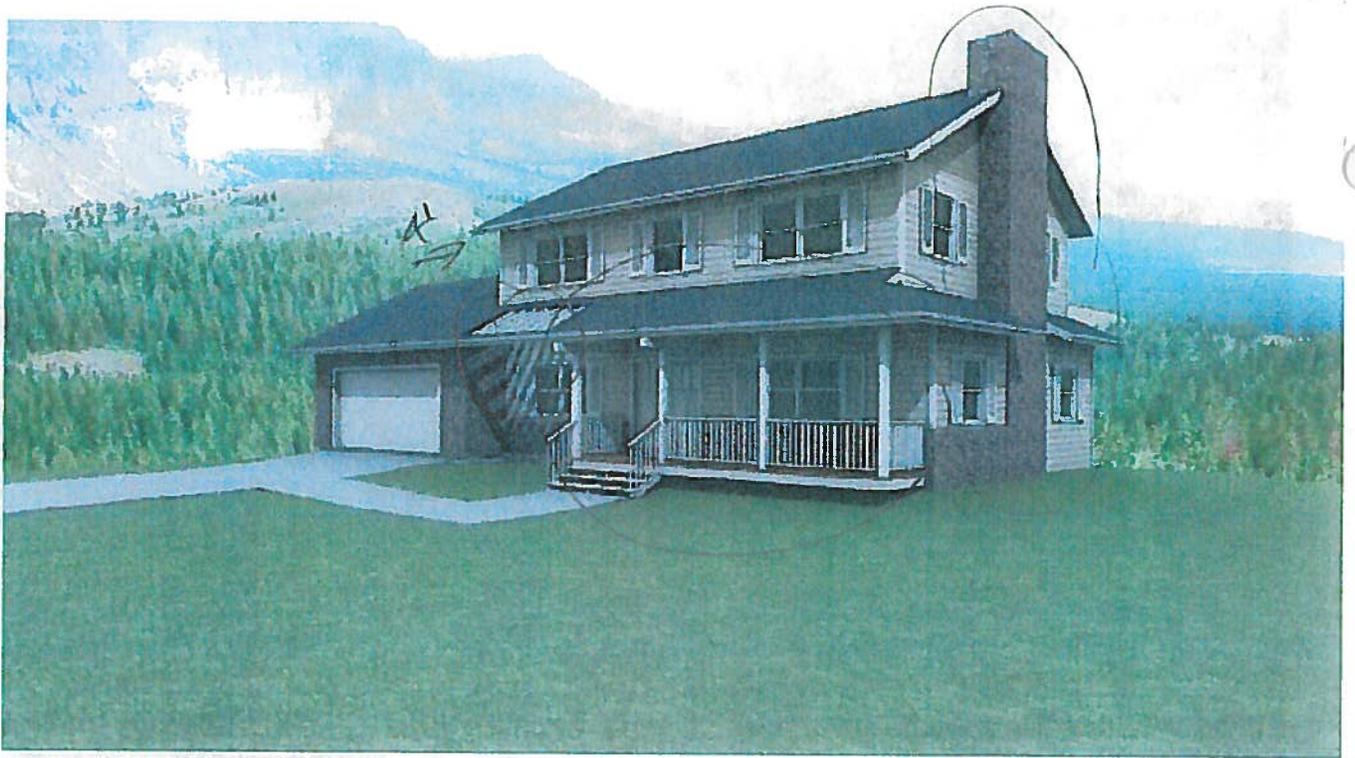
IN THIS VERSION THE OVERHANGS AT THE EAVES HAVE BEEN INCREASED SLIGHTLY TO 24 INCHES. THE GABLE WALLS HAVE BEEN MOVED BACK 2 FEET FROM THE WALLS BELOW AND A SHORT DUTCH HIIP ROOF HAS BEEN ADDED TO THE GABLE ENDS. THIS BOTH REINFORCES THE MATERIAL CHANGE AT THE GABLE ROOF AND PROVIDES SHADOW LINE AT WALLS BELOW. THE MODIFICATIONS ARE VERY EFFECTIVE ON THE LEFT SIDE OF THE BUILDING, AS SHOWN IN THE LOWER IMAGE, HOWEVER, THEY ARE NOT AS EFFECTIVE ON THE FRONT RIGHT AND RIGHT SIDE OF THE BUILDING.

## OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING



THIS VERSION IS IDENTICAL TO THE PREVIOUS ONE EXCEPT FOR THE ADDITION OF SOME ORNAMENTAL TRIM. CORNER BOARDS, SHUTTERS AND GABLE VENTS HAVE BEEN ADDED. WHILE THEY DO ADD SOME INTERESTING DETAIL, THEY ARE NOT AS EFFECTIVE AS THEY WOULD BE IF A CONTRASTING COLOR WAS USED. THIS WILL BE DEMONSTRATED IN A FUTURE VERSION.

## OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING



IN THIS VERSION THE 2 STORY PORTION OF THE BUILDING HAS BEEN MOVE BACK 4 FEET AND A FRONT PORCH HAS BEEN ADDED. THE ROOF CARRIES OVER TO THE FACE OF THE GARAGE AND HAS AN OPEN TRELLIS AREA WHICH CASTS INTERESTING SHADOWS ON THE FROM WALL. A STONE VENEER FIREPLACE AND CHIMNEY HAS BEEN ADDED TO THE RIGHT SIDE AND THE SECOND LEVEL WALL HAS BEEN MOVED BACK 2 FEET TO LOWER THE ROOF ON THE RIGHT SIDE AND TIE INTO THE PORCH ROOF.

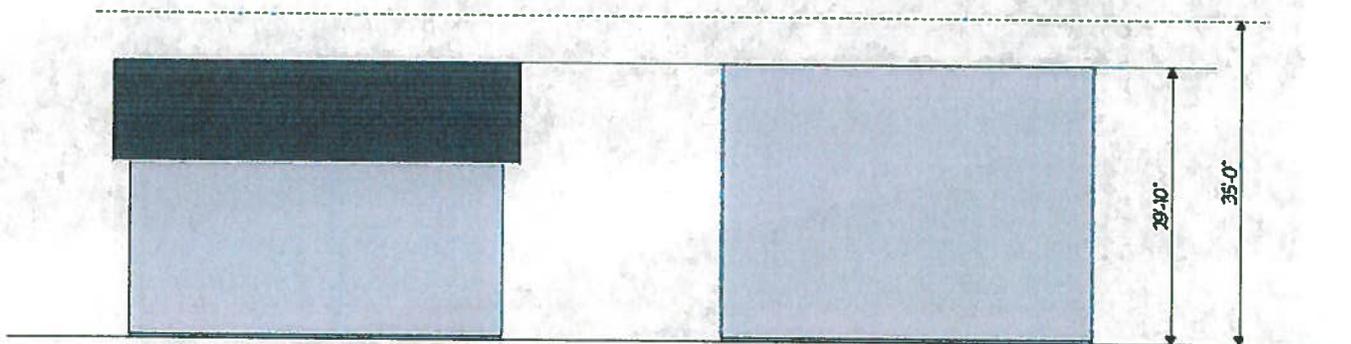
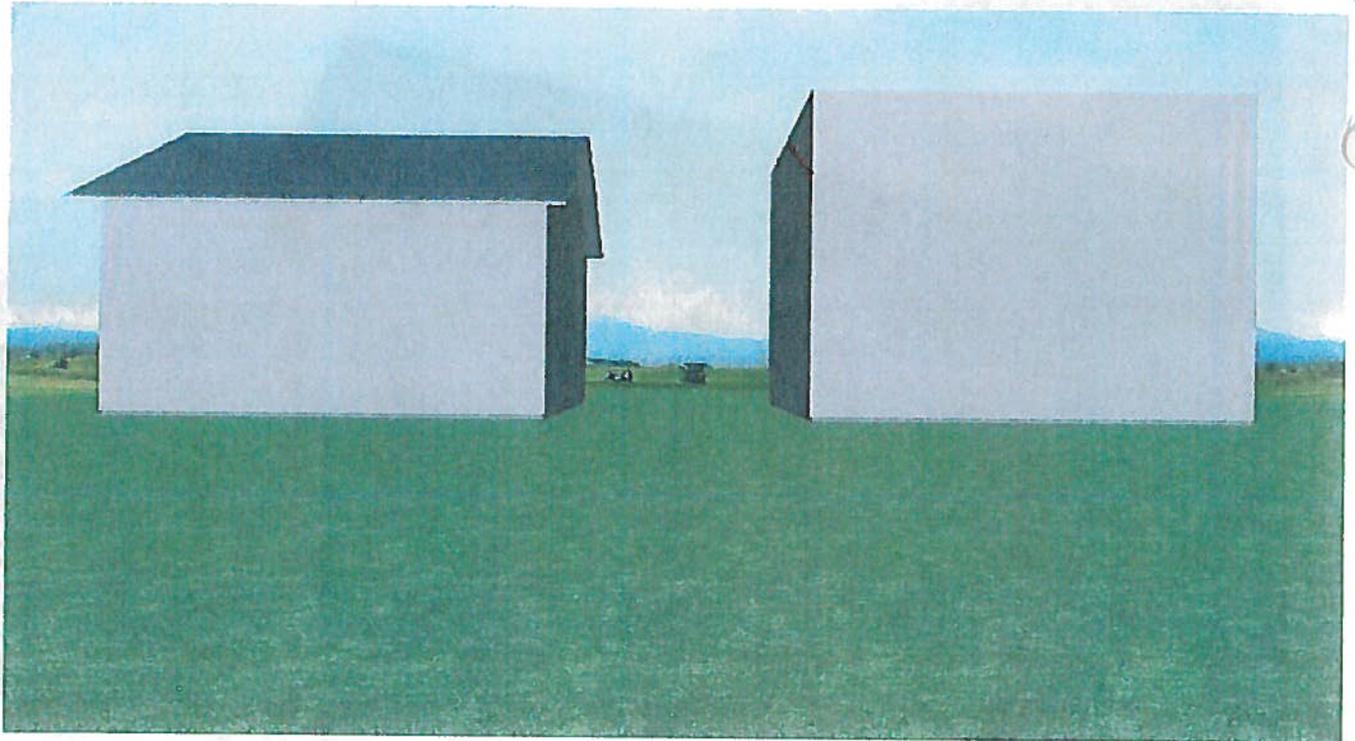
*hamy - so no need to hide!*

## OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING



THE ONLY DIFFERENCE WITH THE VERSION DEPICTED ABOVE FROM THE ONE DEPICTED ON PAGE 5 IS THE GREATER CONTRAST BETWEEN THE SIDING COLOR AND THE DARKER TRIM COLOR. THE VALUE OF THE TRIM COLOR IS CLOSER TO THAT OF THE STONE VENEER BUT WITH A DIFFERENT TEXTURE AND SLIGHTLY DIFFERENT COLOR. THIS DEMONSTRATES THAT USING THE PHRASE "MINIMAL CONTRAST" FOR BLENDING IS COUNTER INTUITIVE AND POTENTIALLY COUNTER PRODUCTIVE.

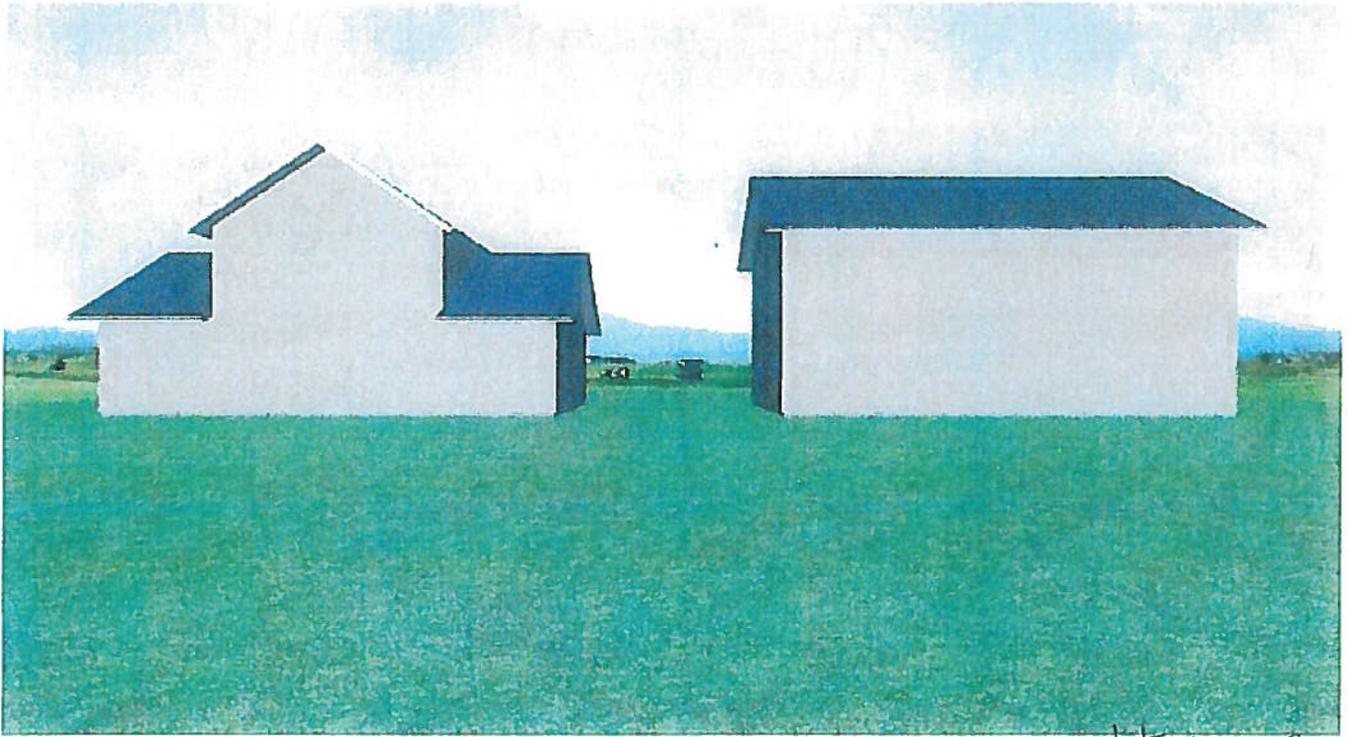
## OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING



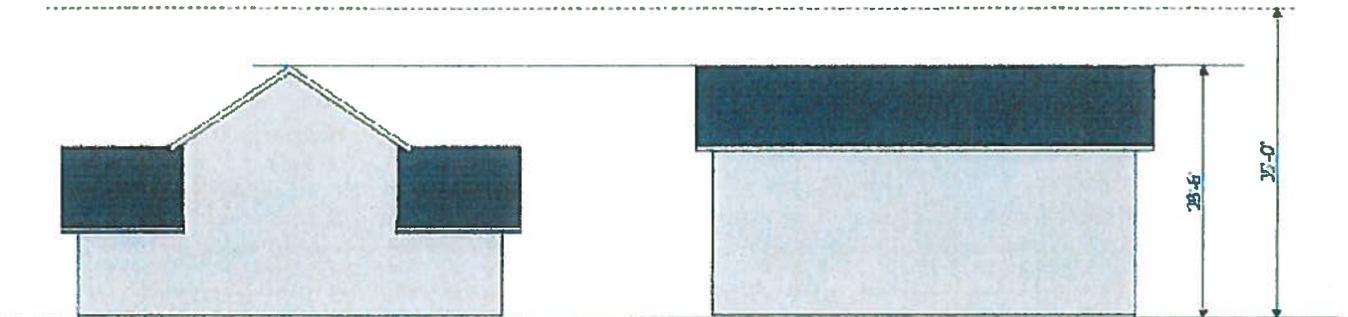
### **GABLE VS. FLAT ROOF:**

**BASED ON THE CURRENT BUILDING HEIGHT DEFINITION, ADOPTED BY THE BOCC, A BUILDING WITH A FLAT ROOF AT HEIGHT "X" GENERATES THE SAME NUMBER OF POINTS TO BE MITIGATED, FOR HEIGHT, AS THE SAME SIZE BUILDING WITH A GABLE ROOF HAVING A RIDGE HEIGHT OF "X" EVEN THOUGH THE ACTUAL MASS OF THE FORMER IS MUCH GREATER THAN THE LATTER.**

## **OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING**



*clarify - basement not included in impact pts*  
*ht & Avg ft*



*use this to lessen impact points*

**BUILDING HEIGHT AVERAGING:**

THERE IS NO PROVISION AT THIS POINT TO USE THE AVERAGE BUILDING HEIGHT WHEN CALCULATING POINTS THAT NEED TO BE MITIGATED. AS A RESULT, A BUILDING WHERE ONLY A PORTION OF THE BUILDING IS 2 STORY AND THE REMAINDER IS 1 STORY, WILL GENERATE THE SAME NUMBER OF POINTS, FOR HEIGHT, AS A BUILDING WHERE THE ENTIRE HEIGHT IS 2 STORY.

**OURAY COUNTY, SECTION 9, VISUAL IMPACT & MASSING**

John Backfield's Presentation



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## SITE ANALYSIS: Ouray County Visual Impact Criteria



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SITE ANALYSIS



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## SITE ANALYSIS



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SITE ANALYSIS



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## SITE ANALYSIS



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SITE ANALYSIS



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## SITE ANALYSIS



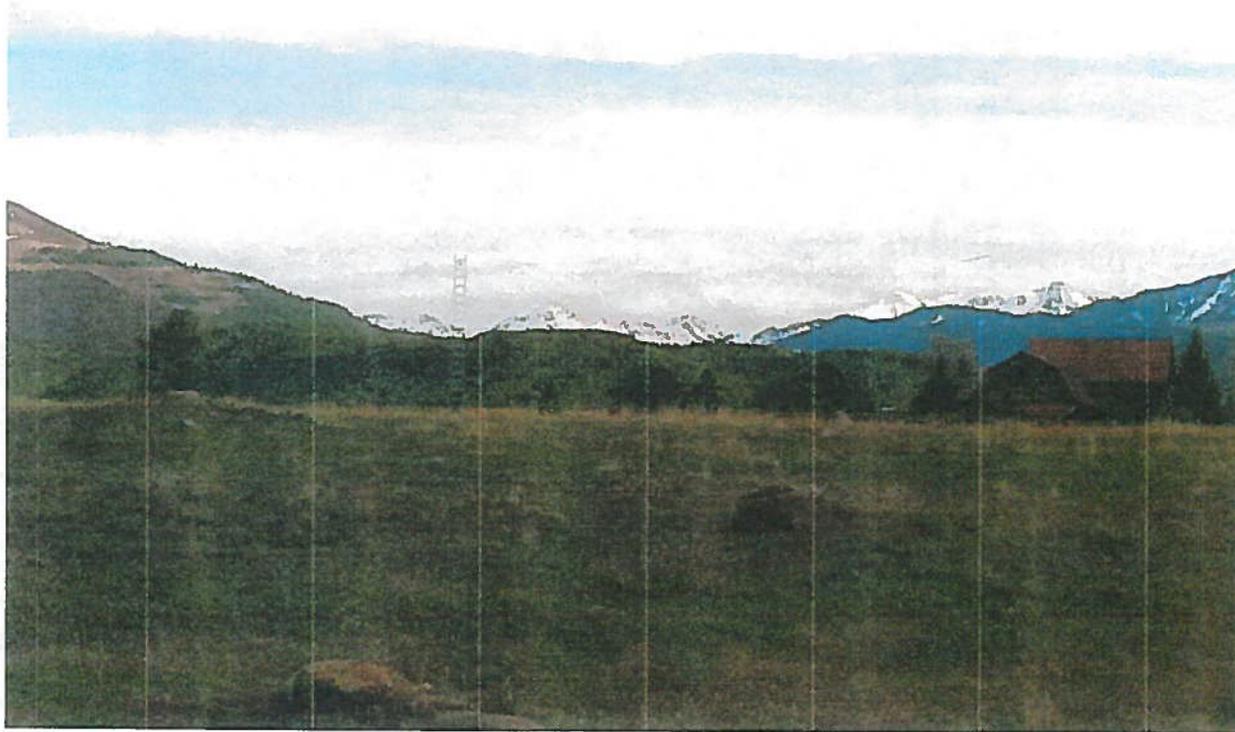
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## SITE ANALYSIS



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SITE ANALYSIS: 2900 sf 2-story at owner's preferred location



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SITE ANALYSIS: Skyline



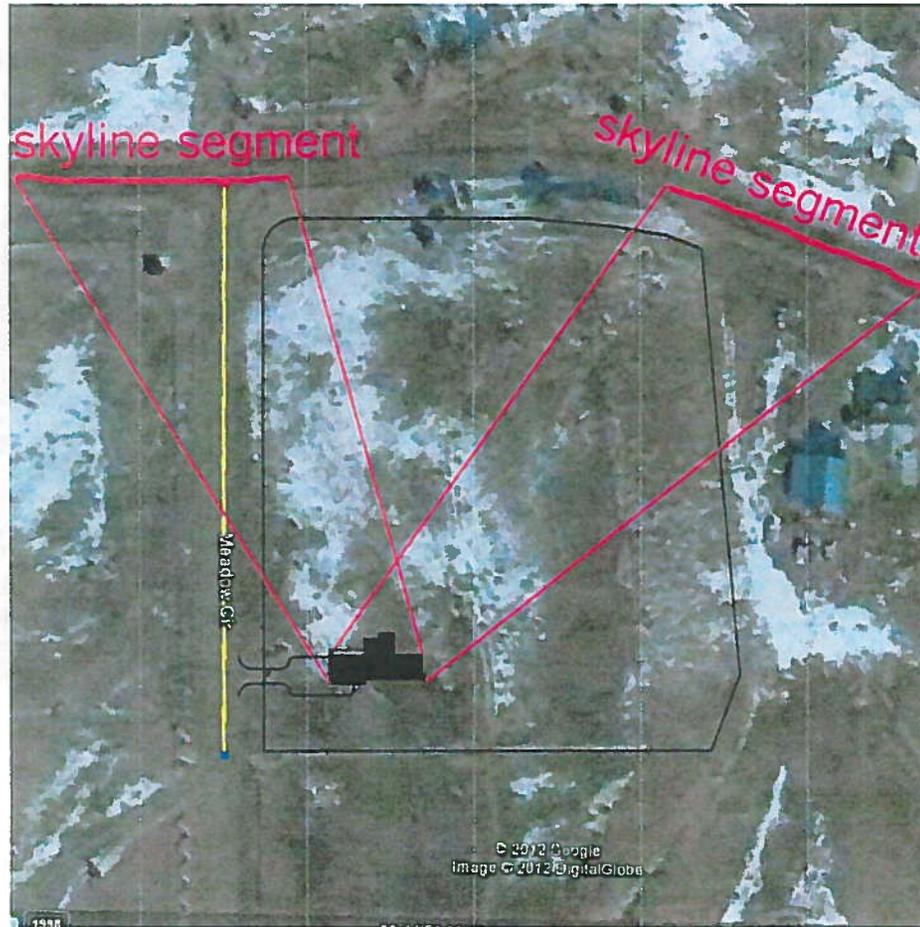
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SITE ANALYSIS: 2900 sf 2-story at owner's preferred location



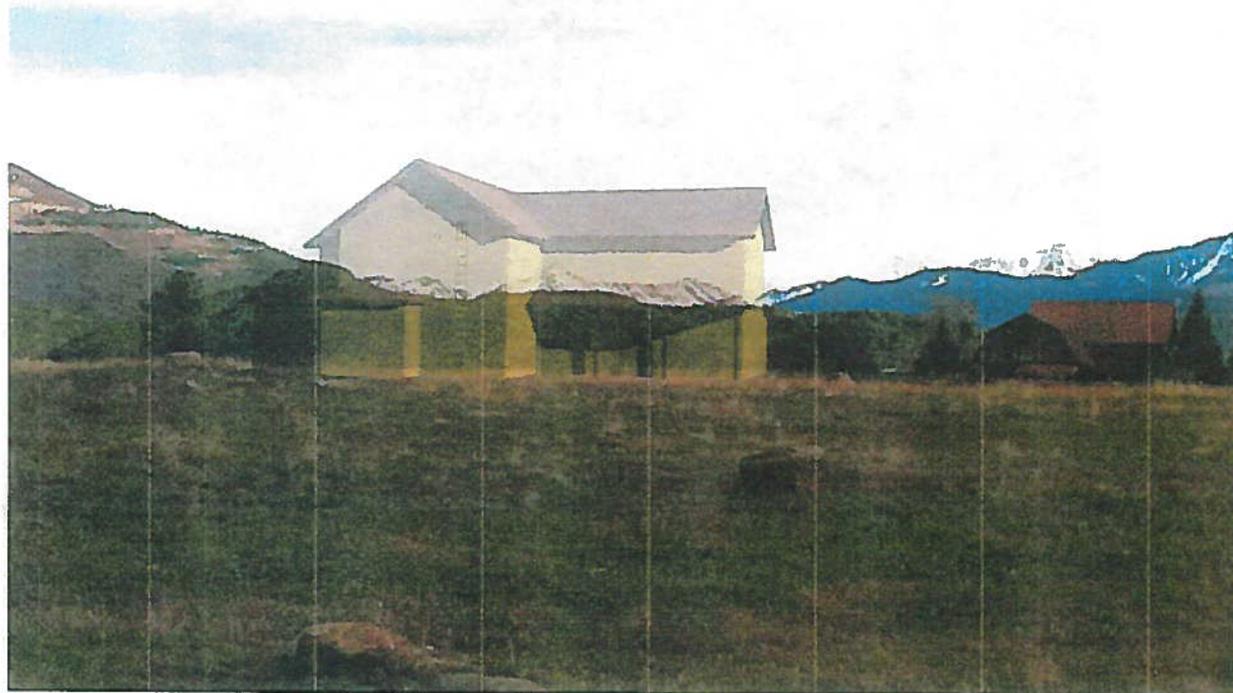
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SITE ANALYSIS: Skyline



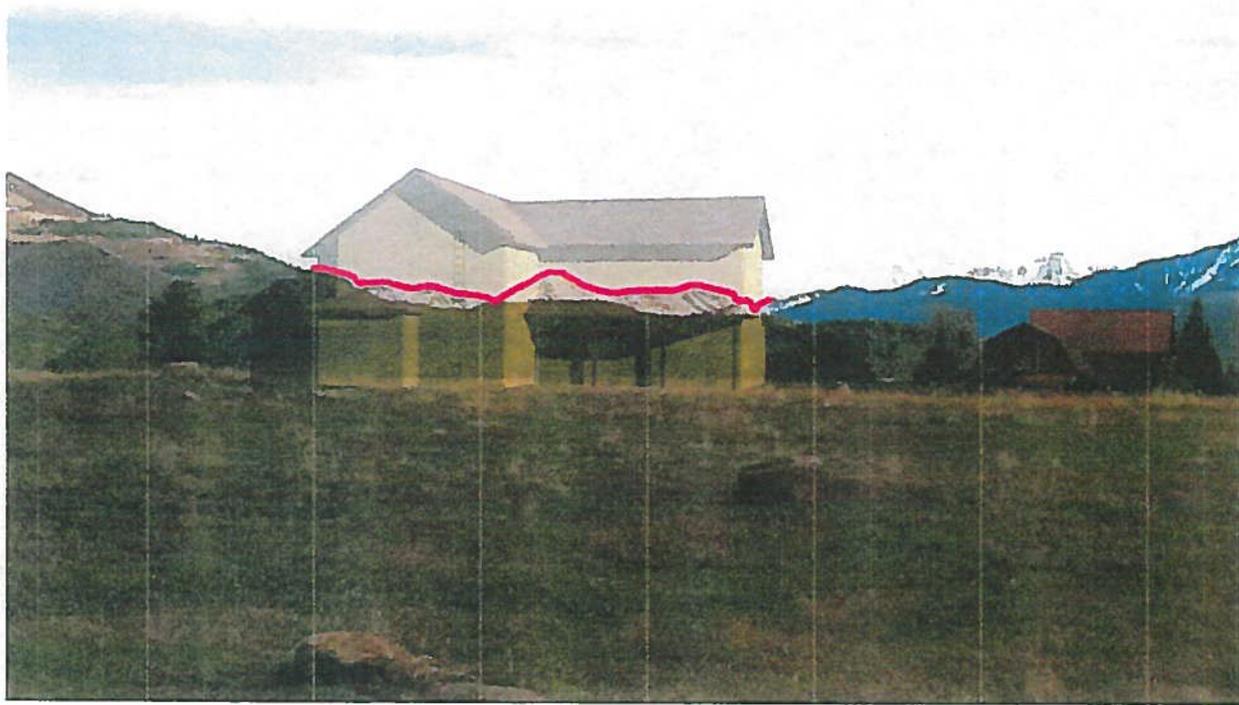
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## SITE ANALYSIS: Skyline



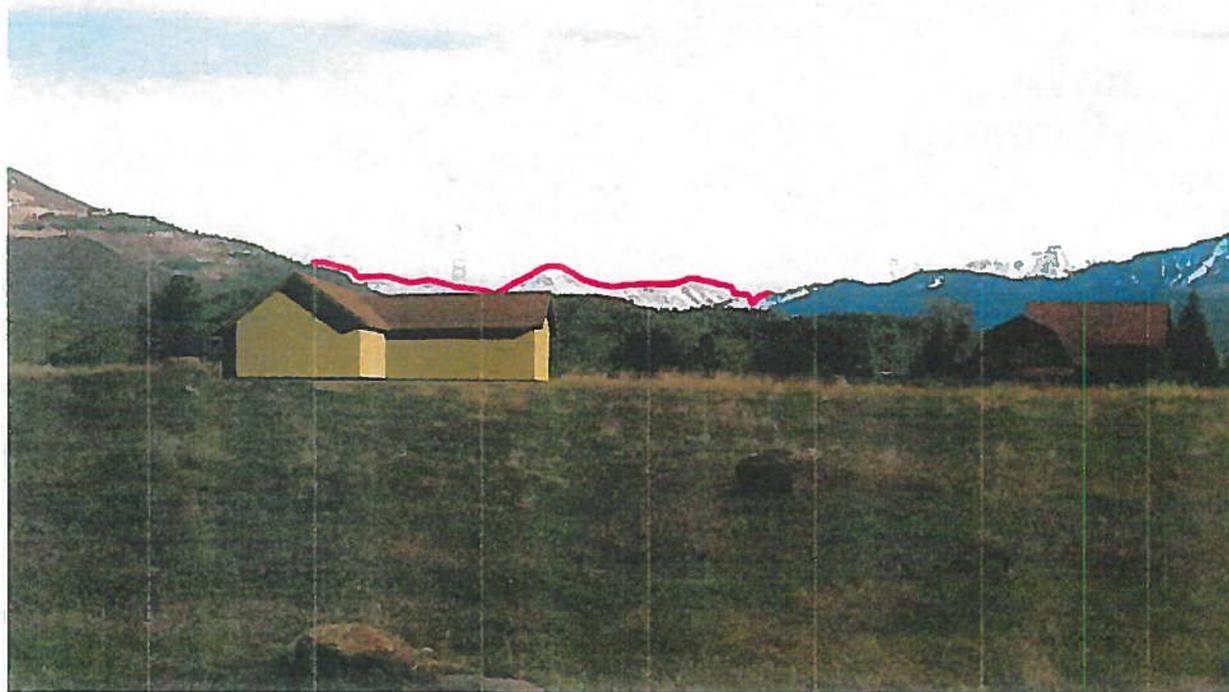
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SITE ANALYSIS: Skyline



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SITE ANALYSIS: Skyline



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SITE ANALYSIS: Skyline



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SITE ANALYSIS: Skyline



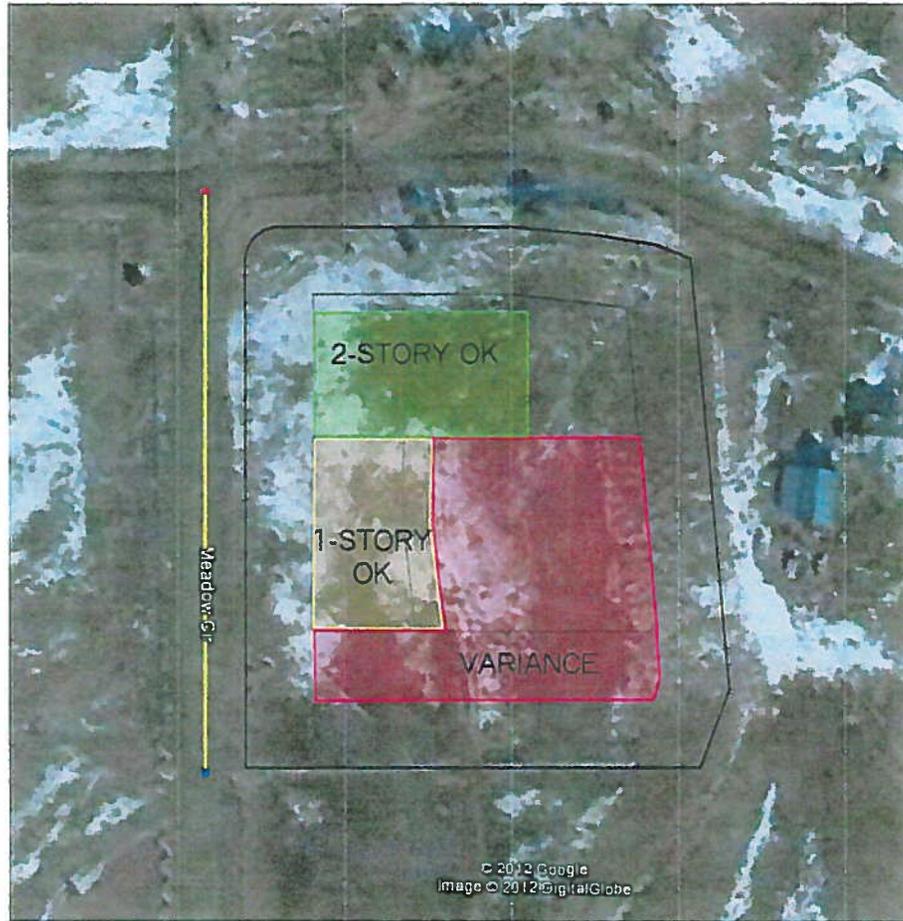
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SITE ANALYSIS: Skyline



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SITE ANALYSIS: 2900 sf 1-story building at alternative location



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## SITE ANALYSIS

## VIR Calculations for all new construction 2009 Jan through 2012 Dec

All data are from the Ouray County Calculation for Visual Impact Analysis data sheets in the Ouray County Land Use Department's files from January, 2009 through December, 2012. During that period the County issued 279 building permits. The building permits were issued for a variety of activities, including repairs, removal of structures, foundations, patios and decks, barns and other agriculture related buildings, small storage sheds and shops, garages with living spaces and for new construction of single family dwellings. This analysis includes those building permits for which a Ouray County Calculation for Visual Impact Analysis data sheet was available. All buildings which passed the current point system also pass the proposed revision of the point system.

Note: these calculations match the proposed revisions to Section 9 which will be considered at the 26 February, 2013 public hearing.

### Assumptions and Calculations

- 1) Unless otherwise noted, height points are based on the maximum height, not the weighted average. The actual height impact points could therefore be lower where the structure has multiple roof heights.
- 2) Size of structure points are based on current VIR data sheets and do not exclude any non-visible basement. The actual size impact points could therefore be lower where a structure has a non-visible basement.
- 3) No points were awarded for apparent massing or landscaping unless without such points the structure would fail AND a photo is available to assess apparent massing and landscaping.

Sq Feet	Sq Feet Points (.1/100 sqft)	Weighted Average Height	Height Points (.3/ft max ht)	Total Primary Points	Screening (%)	Screening Points	Distance to Road in feet (max=600)	Distance to Road in Miles	Distance to Road Points	PUD or conforming lot (0 or 1)	Massing Points	Landscaping	Total Secondary Points	Net Points (cannot exceed 6)
<b>2009-00001</b>		New construction residential												
3621	3.621	33	9.9	<b>13.521</b>	60	6	600	0.5	4	1	0	0	<b>11</b>	<b>2.521</b>
<b>2009-00005</b>		New construction residential												
3268	3.268	16	4.8	<b>8.068</b>	30.5	4	600	0.25	3.5	0	0	0	<b>7.5</b>	<b>0.568</b>
<b>2009-00009</b>		New construction residential												
2767	2.767	25.5	7.65	<b>10.417</b>	0	0	600	1.5	6	1	0	0	<b>7</b>	<b>3.417</b>
<b>2010-00028</b>		New construction residential												
3921	3.921	22.5	6.75	<b>10.671</b>	20	2	0	0	0	1	2	0	<b>5</b>	<b>5.671</b>
<b>Note: Apparent massing awarded per County Assessor photo, account R003381.</b>														
<b>2010-00046</b>		New construction residential												
4660	4.66	24	7.2	<b>11.86</b>	0	0	600	0.2	3.4	1	2	0	<b>6.4</b>	<b>5.46</b>
<b>Note: Apparent massing awarded per County Assessor photo, account R003319.</b>														
<b>2010-00068</b>		Addition to Existing Structure												
1675	1.675	25	7.5	<b>9.175</b>	50	4	200	0	1	1	0	0	<b>6</b>	<b>3.175</b>
<b>Note: Screening points awarded per County Assessor map and visibility along CR5.</b>														

<b>2010-00069</b>		New construction residential												
2989	2.989	26	7.8	<b>10.789</b>	60	6	0	0	0	1	0	0	7	<b>3.789</b>
<b>Note: Percent screening on VIR data sheet is way low per Bryan. It should be at least 60%.</b>														
<b>2010-00081</b>		New construction residential												
624	0.624	16	4.8	<b>5.424</b>	0	0	0	0	0	1	0	0	1	<b>4.424</b>
<b>2011-00012</b>		New construction residential												
2716	2.716	29	8.7	<b>11.416</b>	0	0	600	1	5	1	0	0	6	<b>5.416</b>
<b>2011-00015</b>		New construction residential												
2560	2.56	28	8.4	<b>10.96</b>	0	0	600	1	5	1	0	0	6	<b>4.96</b>
<b>2011-00022</b>		New construction residential												
1728	1.728	19	5.7	<b>7.428</b>	0	0	600	0.5	4	1	0	0	5	<b>2.428</b>
<b>2011-00032</b>		New construction garage												
1188	1.188	20	6	<b>7.188</b>	90	8	0	0	0	0	0	0	8	<b>-0.812</b>
<b>Note: Percent screening on VIR data sheet is way low per Bryan. It should be at least 90%.</b>														
<b>2011-00034</b>		New construction residential												
624	0.624	15	4.5	<b>5.124</b>	0	0	0	0	0	0	0	0	0	<b>5.124</b>
<b>2011-00036</b>		Garage addition												
1781	1.781	27	8.1	<b>9.881</b>	10	2	200	0	1	1	0	0	4	<b>5.881</b>
<b>Note: Distance from road per Google Maps.</b>														
<b>2011-00051</b>		New construction residential												
4771	4.771	26	7.8	<b>12.571</b>	25	4	600	0.36	3.72	1	3	0	9.5	<b>3.071</b>
<b>Note: Missing points awarded per 12/6/2012 workshop.</b>														
<b>2011-00061</b>		New construction residential												
3293	3.293	28	8.4	<b>11.693</b>	74	6	600	0.188	3.376	1	0	0	<b>10.376</b>	<b>1.317</b>
<b>2011-00062</b>		New construction residential												
6313	6.313	35	10.5	<b>16.813</b>	30	4	600	1.4	5.8	1	1	0	<b>11.8</b>	<b>5.013 *</b>
<b>Note: Missing points awarded per County Assessor photo, account R002623.</b>														
<b>2011-00070</b>		New construction residential												
3014	3.014	35	10.5	<b>13.514</b>	69.9	6	600	0.25	3.5	1	0	0	<b>10.5</b>	<b>3.014</b>
<b>2012-00001</b>		Addition to Existing Structure												
6287	6.287	24	7.2	<b>13.487</b>	50	6	600	0.36	3.72	0	0	0	<b>9.72</b>	<b>3.767</b>
<b>2012-00003</b>		New construction residential												
2790	2.79	25	7.5	<b>10.29</b>	75	6	600	0.36	3.72	0	0	0	<b>9.72</b>	<b>0.57</b>
<b>2012-00007</b>		New construction residential												
<b>Note: Missing points awarded per County Assessor photo, account R006130.</b>														
3484	3.484	28.5	8.55	<b>12.034</b>	0	0	600	0.95	4.9	0	0	1.5	<b>6.4</b>	<b>5.634 *</b>
<b>2012-00011</b>		New construction garage												
4515	4.515	29	8.7	<b>13.215</b>	45	4	0	0	0	1	3	0	<b>8</b>	<b>5.215</b>
<b>Note: Apparent missing awarded per County Assessor photo, account R003465, comparable to 2011-00051.</b>														
<b>2012-00015</b>		New construction garage												
1337	1.337	17	5.1	<b>6.437</b>	0	0	600	0.5	4	1	0	0	<b>5</b>	<b>1.437</b>
<b>2012-00017</b>		New construction residential												
4142	4.142	26	7.8	<b>11.942</b>	50	6	600	0.5	4	1	0	0	<b>11</b>	<b>0.942</b>

<b>2012-00020</b>														
1232	1.232	24	7.2	<b>8.432</b>	90	8	0	0	0	1	0	0	9	<b>-0.568</b>
3012	3.012	28.33	8.499	<b>11.511</b>	80	8	0	0	0	1	0	0	9	<b>2.511</b>
<b>2012-00025</b>														
3795	3.795	35	10.5	<b>14.295</b>	90	8	600	0.25	3.5	1	0	0	<b>12.5</b>	<b>1.795</b>
<b>2012-00034</b>														
8100	8.1	28.25	8.475	<b>16.575</b>	90	8	600	0.34	3.68	1	0	0	<b>12.68</b>	<b>3.895</b>
<b>2012-00038</b>														
2100	2.1	23.5	7.05	<b>9.15</b>	90	8	0	0	0	0	0	0	8	<b>1.15</b>
<b>2012-00039</b>														
600	0.6	16	4.8	<b>5.4</b>	50	6	0	0	0	1	0	0	7	<b>-1.6</b>
<b>2012-00041</b>														
4362	4.362	19	5.7	<b>10.062</b>	75	8	600	0.17	3.34	1	0	0	<b>12.34</b>	<b>-2.278</b>
<b>2012-00046</b>														
6325	6.325	35	10.5	<b>16.825</b>	90	8	0	0	0	1	2	1	<b>12</b>	<b>4.825</b>
<b>Note: The height would be significantly less as the new point system does height averaging. Only the turret is 39' high. There are single story elements in the home. See County Assessor photo.</b>														
<b>2012-00051</b>														
4034	4.034	28	8.4	<b>12.434</b>	95	8	0	0	0	1	0	0	9	<b>3.434</b>
<b>2012-00065</b>														
1320	1.32	16	4.8	<b>6.12</b>	90	8	0	0	0	0	0	0	8	<b>-1.88</b>

VIR Calculations for all new construction 2009 Jan through 2012 Dec

*with 9pts for distance from road*

All data are from the Ouray County Calculation for Visual Impact Analysis data sheets in the Ouray County Land Use Department's files from January, 2009 through December, 2012. During that period the County issued 279 building permits. The building permits were issued for a variety of activities, including repairs, removal of structures, foundations, patios and decks, barns and other agriculture related buildings, small storage sheds and shops, garages with living spaces and for new construction of single family dwellings. This analysis includes all building permits for which a Ouray County Calculation for Visual Impact Analysis data sheet was available.

**Assumptions and Calculations**

- 1) Unless otherwise noted, height points are based on the maximum height, not the weighted average. The actual height impact points could therefore be lower where the structure has multiple roof heights.
- 2) Size of structure points are based on current VIR data sheets and do not exclude any non-visible basement. The actual size impact points could therefore be lower where a structure has a non-visible basement.
- 3) No points were awarded for apparent massing or landscaping unless without such points the structure would fail AND a photo is available to assess apparent massing and landscaping.

Sq Feet	Sq Feet Points (.1/100 sqft)	Weighted Average Height	Height Points (.3/ft max ht)	Total Primary Points	Screening (%)	Screening Points	Distance to Road in feet (max=600)	Distance to Road in Miles	Distance to Road Points	PUD or conforming lot (0 or 1)	Massing Points	Landscaping	Total Secondary Points	Net Points (cannot exceed 6)
<b>2009-00001</b>		New construction residential												
3621	3.621	33	9.9	13.521	60	6	600	0.5	5	1	0	0	12	1.521
<b>2009-00005</b>		New construction residential												
3268	3.268	16	4.8	8.068	30.5	4	600	0.25	4	0	0	0	8	0.068
<b>2009-00009</b>		New construction residential												
2767	2.767	25.5	7.65	10.417	0	0	600	1.5	9	1	0	0	10	0.417
<b>2010-00028</b>		New construction residential												
3921	3.921	22.5	6.75	10.671	20	2	0	0	0	1	2	0	5	5.671
<b>Note: Apparent massing awarded per County Assessor photo, account R003381.</b>														
<b>2010-00046</b>		New construction residential												
4660	4.66	24	7.2	11.86	0	0	600	0.2	3.8	1	2	0	6.8	5.06
<b>Note: Apparent massing awarded per County Assessor photo, account R003319.</b>														
<b>2010-00068</b>		Addition to Existing Structure												
1675	1.675	25	7.5	9.175	50	4	200	0	1	1	0	0	6	3.175
<b>Note: Screening points awarded per County Assessor map and visibility along CR5.</b>														
<b>2010-00069</b>		New construction residential												
2989	2.989	26	7.8	10.789	60	6	0	0	0	1	0	0	7	3.789

Note: Percent screening on VIR data sheet is way low per Bryan. It should be at least 60%.

<b>2010-00081</b>	New construction residential													
624	0.624	16	4.8	<b>5.424</b>	0	0	0	0	0	1	0	0	<b>1</b>	<b>4.424</b>
<b>2011-00012</b>	New construction residential													
2716	2.716	29	8.7	<b>11.416</b>	0	0	600	1	7	1	0	0	<b>8</b>	<b>3.416</b>
<b>2011-00015</b>	New construction residential													
2560	2.56	28	8.4	<b>10.96</b>	0	0	600	1	7	1	0	0	<b>8</b>	<b>2.96</b>
<b>2011-00022</b>	New construction residential													
1728	1.728	19	5.7	<b>7.428</b>	0	0	600	0.5	5	1	0	0	<b>6</b>	<b>1.428</b>
<b>2011-00032</b>	New construction garage													
1188	1.188	20	6	<b>7.188</b>	90	8	0	0	0	0	0	0	<b>8</b>	<b>-0.812</b>

Note: Percent screening on VIR data sheet is way low per Bryan. It should be at least 90%.

<b>2011-00034</b>	New construction residential													
624	0.624	15	4.5	<b>5.124</b>	0	0	0	0	0	0	0	0	<b>0</b>	<b>5.124</b>
<b>2011-00036</b>	Garage addition													
1781	1.781	27	8.1	<b>9.881</b>	10	2	200	0	1	1	0	0	<b>4</b>	<b>5.881</b>

Note: Distance from road per Google Maps.

<b>2011-00051</b>	New construction residential													
4771	4.771	26	7.8	<b>12.571</b>	25	4	600	0.36	3.5	1	3	0	<b>9.5</b>	<b>3.071</b>

Note: Massing points awarded per 12/6/2012 workshop.

<b>2011-00061</b>	New construction residential													
3293	3.293	28	8.4	<b>11.693</b>	74	6	600	0.188	3.752	1	0	0	<b>10.752</b>	<b>0.941</b>
<b>2011-00062</b>	New construction residential													
6313	6.313	35	10.5	<b>16.813</b>	30	4	600	1.4	8.6	1	0	0	<b>13.6</b>	<b>3.213</b>
<b>2011-00070</b>	New construction residential													
3014	3.014	35	10.5	<b>13.514</b>	69.9	6	600	0.25	4	1	0	0	<b>11</b>	<b>2.514</b>
<b>2012-00001</b>	Addition to Existing Structure													
6287	6.287	24	7.2	<b>13.487</b>	50	6	600	0.36	4.44	0	0	0	<b>10.44</b>	<b>3.047</b>
<b>2012-00003</b>	New construction residential													
2790	2.79	25	7.5	<b>10.29</b>	75	6	600	0.36	4.44	0	0	0	<b>10.44</b>	<b>-0.15</b>
<b>2012-00007</b>	New construction residential													
3484	3.484	28.5	8.55	<b>12.034</b>	0	0	600	0.95	6.8	0	0	0	<b>6.8</b>	<b>5.234</b>
<b>2012-00011</b>	New construction garage													
4515	4.515	29	8.7	<b>13.215</b>	45	4	0	0	0	1	3	0	<b>8</b>	<b>5.215</b>

Note: Apparent massing awarded per County Assessor photo, account R003465, comparable to 2011-00051.

<b>2012-00015</b>	New construction garage													
1337	1.337	17	5.1	<b>6.437</b>	0	0	600	0.5	5	1	0	0	<b>6</b>	<b>0.437</b>
<b>2012-00017</b>	New construction residential													
4142	4.142	26	7.8	<b>11.942</b>	50	6	600	0.5	5	1	0	0	<b>12</b>	<b>-0.058</b>
<b>2012-00020</b>	New construction residential													
1232	1.232	24	7.2	<b>8.432</b>	90	8	0	0	0	1	0	0	<b>9</b>	<b>-0.568</b>
3012	3.012	28.33	8.499	<b>11.511</b>	80	8	0	0	0	1	0	0	<b>9</b>	<b>2.511</b>
<b>2012-00025</b>	New construction residential													

3795	3.795	35	10.5	<b>14.295</b>	90	8	600	0.25	4	1	0	0	13	<b>1.295</b>
<b>2012-00034</b>		New construction residential												
8100	8.1	28.25	8.475	<b>16.575</b>	90	8	600	0.34	4.36	1	0	0	<b>13.36</b>	<b>3.215</b>
<b>2012-00038</b>		New construction residential												
2100	2.1	23.5	7.05	<b>9.15</b>	90	8	0	0	0	0	0	0	<b>8</b>	<b>1.15</b>
<b>2012-00039</b>		New construction garage												
600	0.6	16	4.8	<b>5.4</b>	50	6	0	0	0	1	0	0	<b>7</b>	<b>-1.6</b>
<b>2012-00041</b>		New construction residential												
4362	4.362	19	5.7	<b>10.062</b>	75	8	600	0.17	3.68	1	0	0	<b>12.68</b>	<b>-2.618</b>
<b>2012-00046</b>		New construction residential												
6325	6.325	35	10.5	<b>16.825</b>	90	8	0	0	0	1	2	1	<b>12</b>	<b>4.825</b>
<b>Note: The height would be significantly less as the new point system does height averaging. Only the turret is 39' high. There are single story elements in the home. See County Assessor photo.</b>														
<b>2012-00051</b>		New construction residential												
4034	4.034	28	8.4	<b>12.434</b>	95	8	0	0	0	1	0	0	<b>9</b>	<b>3.434</b>
<b>2012-00065</b>		New construction garage												
1320	1.32	16	4.8	<b>6.12</b>	90	8	0	0	0	0	0	0	<b>8</b>	<b>-1.88</b>

Building Permit Data for January, 2009 through December, 2012

Sources: Ouray County Land Use Department Building Permits by month Report  
 All available Ouray County Calculation for Visual Impact Analysis completed forms

Permits w/ and w/o VIR analysis	Single Family Dwelling	Misc small projects*	Shop / Storage	Ag/Barn	Garage	Total for Year	VIR analysis available
2009	21	18	17	3	2	61	3
In VIC, visible with completed VIR analysis available: 2009-00001, 5, 9							
Not in VIC or Not Visible from VIC: 2009-00007, 8, 19, 20, 22, 27, 51, 52, 59, 60, 61, 64, 62, 63, 66, 68, 72, 82							
2010	25	35	16	3	6	85	5
In VIC, visible with completed VIR analysis available: 2010-00028, 46, 68, 69, 81							
Not in VIC or Not Visible from VIC: 2010-00005, 6, 8, 12, 11, 25, 27, 30, 32, 35, 43, 48, 49, 50, 52, 57, 61, 70, 82, 85							
2010-00009 communication tower, approved without passing VIR point system							
2011	16	27	13	4	2	62	9
In VIC, visible with completed VIR analysis available: 2011-00012, 15, 22, 32, 34, 36, 51, 62							
Not in VIC or Not Visible from VIC: 2011-00001, 9, 16, 17, 23, 26, 28, 31, 44, 49, 65							
2012	27	11	18	13	2	71	18
In VIC, visible with completed VIR analysis available: 2011-00061, 70, 2012-00001, 3, 7, 11, 15, 17, 20, 25, 34, 38, 39, 41, 46, 51, 65							
Not in VIC or Not Visible from VIC: 2011-00060, 58, 2012-00004, 6, 8, 9, 14, 19, 21, 29, 33, 43, 44, 47, 59,							
Totals:	89	91	64	23	12		35

\* Additions <=\$15,000, deck / patio, carport, preconstructed bldg, renewable energy source, repairs, removal existing structure, foundations

Total Building Permits processed January, 2009 through December, 2012: 279

Building Permit Data for January, 2009 through December, 2012

Sources: Ouray County Land Use Department Building Permits by month Report  
 All available Ouray County Calculation for Visual Impact Analysis completed forms

Permits w/ and w/o VIR analysis	Single Family Dwelling	Misc small projects*	Shop / Storage	Ag/Barn	Garage	Total for Year	VIR analysis available
2009	21	18	17	3	2	61	3
In VIC, visible with completed VIR analysis available: 2009-00001, 5, 9							
Not in VIC or Not Visible from VIC: 2009-00007, 8, 19, 20, 22, 27, 51, 52, 59, 60, 61, 64, 62, 63, 66, 68, 72, 82							
2010	25	35	16	3	6	85	5
In VIC, visible with completed VIR analysis available: 2010-00028, 46, 68, 69, 81							
Not in VIC or Not Visible from VIC: 2010-00005, 6, 8, 12, 11, 25, 27, 30, 32, 35, 43, 48, 49, 50, 52, 57, 61, 70, 82, 85							
2010-00009 communication tower, approved without passing VIR point system							
2011	16	27	13	4	2	62	9
In VIC, visible with completed VIR analysis available: 2011-00012, 15, 22, 32, 34, 36, 51, 62							
Not in VIC or Not Visible from VIC: 2011-00001, 9, 16, 17, 23, 26, 28, 31, 44, 49, 65							
2012	27	11	18	13	2	71	18
In VIC, visible with completed VIR analysis available: 2011-00061, 70, 2012-00001, 3, 7, 11, 15, 17, 20, 25, 34, 38, 39, 41, 46, 51, 65							
Not in VIC or Not Visible from VIC: 2011-00060, 58, 2012-00004, 6, 8, 9, 14, 19, 21, 29, 33, 43, 44, 47, 59,							
Totals:	89	91	64	23	12		35

\* Additions, deck / patio, carport, preconstructed bldg, renewable energy source, repairs, removal existing structure, foundations

Total Building Permits processed January, 2009 through December, 2012: 279

AccountNo	Legal	ACRES	SalePrice	\$/Acre
R001695	Subd: PANORAMIC HEIGHTS Lot: 11 S: 24 T: 44 R: 8	0.27	135,000	500,000
R005735	Subd: LOT 12 PRESERVE THE Unit: A Subd: LOGHILL VILLAG	0.57	240,000	421,053
R005055	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V322 S: 31 T	0.452	185,000	409,292
R003824	Subd: ENCLAVE AT THE EDGE AMENDED PLAT Lot: 7 HOME	0.45	160,000	355,556
R005575	Subd: COTTONWOOD EXEMPTION Lot: 4 S: 11 T: 44 R: 8	1	340,000	340,000
R001642	Subd: PINECREST ESTATES Lot: 1 S: 31 T: 44 R: 7	1.61	495,000	307,453
R002962	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 509 S: 31 T	1.031	255,000	247,333
R005534	Subd: DREAM RIDGE PUD Lot: 1	1.443	345,000	239,085
R005046	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V313 S: 31 T	0.343	80,500	234,694
R005046	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V313 S: 31 T	0.343	80,000	233,236
R001452	Subd: PONDEROSA VILLAGE Lot: 5 S: 11 T: 44 R: 8	0.61	140,000	229,508
R001434	Subd: PONDEROSA VILLAGE Lot: 17 S: 11 T: 44 R: 8	0.71	160,000	225,352
R002763	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 130 S: 31 T: 4	1.07	239,000	223,364
R005042	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V309 S: 31 T	0.401	89,000	221,945
R005049	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V316 S: 31 T	0.365	79,000	216,438
R001273	Subd: PONDEROSA VILLAGE Lot: 14 S: 11 T: 44 R: 8	0.686	145,000	211,370
R005049	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V316 S: 31 T	0.365	74,000	202,740
R001748	Subd: PANORAMIC HEIGHTS Lot: 21 S: 24 T: 44 R: 8	0.5	99,900	199,800
R005043	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V310 S: 31 T	0.448	88,500	197,545
R002761	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 128 S: 31 T: 4	0.974	185,000	189,938
R000206	Subd: IDLEWILD ESTATES Lot: 52 FILING #3 S: 30 T: 44 R: 8	0.586	107,000	182,594
R002778	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 136 S: 31 T: 4	0.95	169,000	177,895
R002763	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 130 S: 31 T: 4	1.07	190,000	177,570
R002883	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 335 S: 36 T	0.944	156,500	165,784
R003655	Subd: EAGLE HILL RANCH FILING 2 Lot: 17 S: 9 T: 48 R: 8	1.28	210,000	164,063
R001774	Subd: PANORAMIC HEIGHTS Lot: 19 S: 24 T: 44 R: 8	0.55	90,000	163,636
R002777	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 135 S: 31 T: 4	0.918	150,000	163,399
R002954	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 501 S: 31 T	1.029	168,000	163,265
R001436	Subd: PONDEROSA VILLAGE Lot: 23 S: 11 T: 44 R: 8	0.983	160,000	162,767
R002955	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 502 S: 31 T	1.037	167,500	161,524
R002775	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 133 S: 31 T: 4	1.106	170,000	153,707
R005531	Subd: DREAM RIDGE PUD Lot: 4	2.107	320,000	151,875
R001326	Subd: PONDEROSA VILLAGE Lot: 2 S: 11 T: 44 R: 8	0.997	150,000	150,451
R002853	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 301 S: 31 T	0.94	141,000	150,000
R002967	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 514 S: 31 T	1.022	153,000	149,706
R001761	Subd: WHISPERING PINES Lot: 25 S: 24 T: 44 R: 8	0.5	74,000	148,000

File: 2004to2012 Assessor Data

R002740	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 109 S: 36 T: 4	0.932	137,000	146,996
R005386	Subd: LAST STAND SUBDIVISION Lot: 2 S: 15 T: 45 R: 9	1.574	224,500	142,630
R002818	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 234 S: 31 T: 4	0.935	130,000	139,037
R002809	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 225 S: 31 T: 4	0.927	127,500	137,540
R005045	Subd: FAIRWAY PINES ESTATES VILLAGE 3 Lot: V312 S: 31 T: 1	0.402	55,000	136,816
R005143	Subd: FAIRWAY PINES ESTATES FILING #5C Lot: 562 S: 30 T: 1	1	134,000	134,000
R002777	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 135 S: 31 T: 4	0.918	123,000	133,987
R003106	Subd: WATERVIEW SUBD Lot: 7 S: 29 T: 46 R: 8	1.685	225,000	133,531
R001563	Subd: ELK MEADOWS 1-5 Lot: 417 FILING #4 S: 5 T: 44 R: 8	0.52	69,000	132,692
R002772	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 155 S: 31 T: 4	0.986	130,000	131,846
R001562	Subd: ELK MEADOWS 1-5 Lot: 415 FILING #4 S: 5 T: 44 R: 8	0.5	65,500	131,000
R002978	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 525 S: 31 T: 1	0.926	120,000	129,590
R002865	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 314 S: 31 T: 1	0.983	126,000	128,179
R002848	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 264 S: 31 T: 4	0.978	125,000	127,812
R000022	Subd: DALLAS MEADOWS 1-5 Lot: 38 FILING #4 S: 4 T: 45 R: 8	2.153	275,000	127,729
R001326	Subd: PONDEROSA VILLAGE Lot: 2 S: 11 T: 44 R: 8	0.997	125,000	125,376
R002955	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 502 S: 31 T: 1	1.037	130,000	125,362
R002813	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 229 S: 31 T: 4	0.934	115,000	123,126
R000202	Subd: ELK MEADOWS 1-5 Lot: 402 FILING #4 S: 5 T: 44 R: 8	0.75	92,000	122,667
R003647	Subd: EAGLE HILL RANCH PUD Lot: 10 S: 9 T: 45 R: 8	1.804	220,000	121,951
R002847	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 263 S: 31 T: 4	0.923	112,000	121,343
R001366	Lot: 24 S: 13 T: 44 R: 8 NW1/4NW1/4	2.7	325,000	120,370
R001516	Subd: ELK MEADOWS 1-5 Lot: 418 FILING #4 S: 5 T: 44 R: 8	0.51	60,000	117,647
R002833	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 249 S: 31 T: 4	1.022	120,000	117,417
R005658	Subd: BATCHELOR BLUFF SUBDIVISION, REPLAT OF THE L	0.981	115,000	117,227
R003654	Subd: EAGLE HILL RANCH FILING 2 Lot: 16 S: 9 T: 45 R: 8	1.86	215,000	115,591
R003332	Subd: PLEASANT HILLS SUBD Lot: 5 S: 11 T: 45 R: 9	2.73	315,000	115,385
R001277	Subd: IDLEWILD ESTATES Lot: 46 FILING #3 S: 3 T: 44 R: 8	1	115,000	115,000
R002749	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 116 S: 31 T: 4	1.049	120,000	114,395
R002825	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 241 S: 31 T: 4	0.929	105,000	113,025
R002775	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 133 S: 31 T: 4	1.106	125,000	113,020
R005533	Subd: DREAM RIDGE PUD Lot: 2	1.96	219,000	111,735
R002802	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 218 S: 31 T: 4	0.975	108,000	110,769
R004886	Subd: FAIRWAY PINES ESTATES FILING #5B Lot: 565 S: 30 T: 1	1.222	135,000	110,475
R001326	Subd: PONDEROSA VILLAGE Lot: 2 S: 11 T: 44 R: 8	0.997	110,000	110,331
R002845	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 261 S: 31 T: 4	1.047	115,000	109,838
R002799	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 215 S: 31 T: 4	0.919	100,000	108,814

R002835	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 251 S: 31 T: 4	0.92	100,000	108,696
R002875	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 324 S: 31 T	0.961	103,500	107,700
R001321	Subd: ELK MEADOWS 1-5 Lot: 209 FILING #2 S: 5 T: 44 R: 8	0.53	55,000	103,774
R001331	Subd: PONDEROSA VILLAGE Lot: 35 S: 12 T: 44 R: 8	1.35	140,000	103,704
R006029	Subd: ALPENVIEW MEADOWS PUD Lot: 5 S: 29 T: 46 R: 8	2.851	295,000	103,472
R002849	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 265 S: 31 T: 4	1.112	115,000	103,417
R002780	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 138 S: 31 T: 4	0.919	95,000	103,373
R002774	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 132 S: 31 T: 4	1.263	130,000	102,930
R006069	Subd: ESTATES AT DIVIDE RANCH, THE Lot: 9 S: 30 T: 46 R: 1	2.336	235,000	100,599
R001562	Subd: ELK MEADOWS 1-5 Lot: 415 FILING #4 S: 5 T: 44 R: 8	0.5	50,000	100,000
R003032	Subd: RIDGVIEW ESTATES Lot: 2 S: 1 T: 45 R: 9	2.68	268,000	100,000
R003616	Subd: PLEASANT VALLEY VISTA Lot: 11 S: 10 T: 45 R: 9	4	395,000	98,750
R003611	Subd: PLEASANT VALLEY VISTA Lot: 6 S: 15 T: 45 R: 9	3.81	375,000	98,425
R002877	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 326 S: 31 T	0.946	92,500	97,780
R001465	Subd: KOLOWICH PORTLAND EX Lot: 2 LESS AND EXCEPT A	3.38	325,000	96,154
R001285	Subd: ELK MEADOWS 1-5 Lot: 405 FILING #4 S: 5 T: 44 R: 8	1.2	115,000	95,833
R006061	Subd: ESTATES AT DIVIDE RANCH, THE Lot: 1 S: 30 T: 46 R: 1	2.247	215,000	95,683
R001275	Subd: ELK MEADOWS MASTER PLAN (NOT PLATTED/RECOI	1	95,000	95,000
R006030	Subd: ALPENVIEW MEADOWS PUD Lot: 6 S: 29 T: 46 R: 8	3.179	300,000	94,369
R002842	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 258 S: 31 T: 4	0.922	87,000	94,360
R001368	Subd: IDLEWILD ESTATES Lot: 32 FILING #2 S: 11 T: 44 R: 8	1.7	157,500	92,647
R003425	Subd: PLEASANT POINT #1 Lot: 4 S: 11 T: 45 R: 9	3.31	305,000	92,145
R001457	Subd: ELK MEADOWS 1-5 Lot: 112 FILING #1 S: 5 T: 44 R: 8	1	92,000	92,000
R001568	Subd: ELK MEADOWS 1-5 Lot: 229 FILING #2 S: 5 T: 44 R: 8	0.75	69,000	92,000
R001318	Subd: IDLEWILD ESTATES Lot: 12 FILING #1 S: 11 T: 44 R: 8	1.7	155,000	91,176
R006063	Subd: ESTATES AT DIVIDE RANCH, THE Lot: 3 S: 30 T: 46 R: 1	2.004	182,000	90,818
R006062	Subd: ESTATES AT DIVIDE RANCH, THE Lot: 2 S: 30 T: 46 R: 1	2.005	182,000	90,773
R003035	Subd: RIDGVIEW ESTATES Lot: 5 S: 1 T: 45 R: 9	2.35	211,500	90,000
R000020	Subd: DALLAS MEADOWS 1-5 Lot: 1 #1 S: 4 T: 45 R: 8	2.5	223,000	89,200
R003791	Subd: LOGHILL VILLAGE UNIT 4 Lot: 34 S: 5 T: 45 R: 8	1.913	170,000	88,866
R003603	Subd: PLEASANT VALLEY VISTA #2 Lot: 5 S: 10 T: 45 R: 9	7.34	650,000	88,556
R006068	Subd: ESTATES AT DIVIDE RANCH, THE Lot: 8 S: 30 T: 46 R: 1	2.33	205,886	88,363
R006028	Subd: ALPENVIEW MEADOWS PUD Lot: 4 S: 29 T: 46 R: 8	3.114	275,000	88,311
R003865	Subd: LOGHILL VILLAGE UNIT 4 Lot: 20 S: 5 T: 45 R: 8	1.77	155,000	87,571
R001639	Subd: IDLEWILD ESTATES Lot: 183 FILING #7 S: 11 T: 44 R: 8	1.96	170,000	86,735
R003915	Subd: LOGHILL VILLAGE UNIT 1 Lot: 30 Block: B S: 5 T: 45 R: 1	1.164	100,000	85,911
R002901	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 425 S: 36 T	1.004	86,000	85,657

R001276	Subd: ELK MEADOWS MASTER PLAN (NOT PLATTED/RECOI	1.11	95,000	85,586
R000437	Subd: DALLAS MEADOWS 1-5 Lot: 13 FILING #2 S: 4 T: 45 R: 8	2.045	175,000	85,575
R003617	Subd: PLEASANT VALLEY VISTA Lot: 12 S: 10 T: 45 R: 9	4	340,000	85,000
R002880	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 332 S: 36 T: 45 R: 8	0.943	80,000	84,836
R001274	Subd: ELK MEADOWS 1-5 Lot: 124 FILING #1 S: 5 T: 44 R: 8	1	84,000	84,000
R001514	Subd: ELK MEADOWS 1-5 Lot: 111 FILING #1 S: 5 T: 44 R: 8	1	82,000	82,000
R000027	Subd: LOGHILL VILLAGE UNIT 4 Lot: 47 S: 33 T: 46 R: 8	1.966	160,000	81,384
R003608	Subd: PLEASANT VALLEY VISTA Lot: 3 S: 15 T: 45 R: 9	3.7	300,500	81,216
R000437	Subd: DALLAS MEADOWS 1-5 Lot: 13 FILING #2 S: 4 T: 45 R: 8	2.045	165,000	80,685
R002873	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 322 S: 31 T: 45 R: 8	0.938	75,000	79,957
R000218	Subd: ELK MEADOWS MASTER PLAN (NOT PLATTED/RECOI	1.2	95,000	79,167
R003567	Subd: RIDGE Lot: 9 S: 9 T: 46 R: 8	2.72	215,000	79,044
R001423	Subd: IDLEWILD ESTATES Lot: 40 FILING #2 S: 11 T: 44 R: 8	1.08	85,000	78,704
R003727	Subd: LOGHILL VILLAGE UNIT 1 Lot: 8 Block: B S: 6 T: 45 R: 8	1.76	138,000	78,409
R002861	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 309 S: 31 T: 45 R: 8	1.112	87,000	78,237
R003249	Subd: DALLAS MEADOWS 1-5 Lot: 14 FILING #2 S: 4 T: 45 R: 8	2.244	175,000	77,986
R006042	Subd: FISHER CANYON NORTH Lot: 9 S: 24 T: 46 R: 9	3.07	235,000	76,547
R005134	Subd: FAIRWAY PINES ESTATES FILING #5C Lot: 553 S: 30 T: 45 R: 8	0.919	70,000	76,170
R002842	Subd: FAIRWAY PINES ESTATES FILING #2 Lot: 258 S: 31 T: 45 R: 8	0.922	70,000	75,922
R002895	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 419 S: 36 T: 45 R: 8	1.07	80,000	74,766
R003971	Subd: LOGHILL VILLAGE UNIT 1 Lot: 19 Block: H S: 5 T: 45 R: 8	1.85	138,000	74,595
R003032	Subd: RIDGVIEW ESTATES Lot: 2 S: 1 T: 45 R: 9	2.68	198,000	73,881
R003644	Subd: EAGLE HILL RANCH PUD Lot: 7 S: 9 T: 45 R: 8	2.46	180,000	73,171
R003794	Subd: LOGHILL VILLAGE UNIT 4 Lot: 68 S: 5 T: 45 R: 8	2.544	185,000	72,720
R000507	Subd: LOGHILL VILLAGE UNIT 1 Lot: 44 Block: C S: 6 T: 45 R: 8	1.997	142,500	71,357
R004863	Subd: EAGLE HILL RANCH FILING 3 Lot: 23 S: 9 T: 45 R: 8	1.25	89,000	71,200
R003732	Subd: LOGHILL VILLAGE UNIT 1 Lot: 7 Block: J S: 32 T: 46 R: 8	2.104	149,000	70,817
R006027	Subd: ALPENVIEW MEADOWS PUD Lot: 3 S: 29 T: 46 R: 8	3.698	260,000	70,308
R003382	Subd: JUNIPER HILLS Lot: 5 S: 4 T: 45 R: 8	2.78	195,000	70,144
R003296	Subd: DALLAS MEADOWS 1-5 Lot: 10 FILING #2 S: 4 T: 45 R: 8	2.999	210,000	70,023
R002904	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 428 S: 36 T: 45 R: 8	0.932	64,000	68,670
R002860	Subd: FAIRWAY PINES ESTATES FILING # 3A Lot: 308 S: 31 T: 45 R: 8	1.015	69,500	68,473
R003833	Subd: LOGHILL VILLAGE UNIT 1 Lot: 6 Block: C S: 6 T: 45 R: 8	1.125	77,000	68,444
R002738	Subd: FAIRWAY PINES ESTATES FILING #1 Lot: 107 COMMEI	3.072	210,000	68,359
R004863	Subd: EAGLE HILL RANCH FILING 3 Lot: 23 S: 9 T: 45 R: 8	1.25	85,000	68,000
R003567	Subd: RIDGE Lot: 9 S: 9 T: 46 R: 8	2.72	184,500	67,831
R002897	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 421 S: 36 T: 45 R: 8	0.96	65,000	67,708

R003434	Subd: PLEASANT POINT #1 Lot: 13 S: 11 T: 45 R: 9	3.4	230,000	67,647
R002906	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 430 S: 36 T:	1.036	70,000	67,568
R002902	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 426 S: 36 T:	0.964	65,000	67,427
R005532	Subd: DREAM RIDGE PUD Lot: 3 S: 1 T: 45 R: 9	3.564	238,000	66,779
R003798	Subd: LOGHILL VILLAGE UNIT 4 Lot: 39 S: 5 T: 45 R: 8	2.4	160,000	66,667
R003381	Subd: JUNIPER HILLS Lot: 4 S: 4 T: 45 R: 8	3.19	210,000	65,831
R003791	Subd: LOGHILL VILLAGE UNIT 4 Lot: 34 S: 5 T: 45 R: 8	1.913	125,000	65,342
R003296	Subd: DALLAS MEADOWS 1-5 Lot: 10 FILING #2 S: 4 T: 45 R: 8	2.999	193,050	64,371
R001274	Subd: ELK MEADOWS 1-5 Lot: 124 FILING #1 S: 5 T: 44 R: 8	1	64,000	64,000
R003379	Subd: JUNIPER HILLS Lot: 2 S: 4 T: 45 R: 8	3.88	245,000	63,144
R001520	Subd: ELK MEADOWS 1-5 Lot: 503 FILING #5 S: 5 T: 44 R: 8	1.11	70,000	63,063
R004011	Subd: LOGHILL VILLAGE UNIT 2 Lot: 22 S: 31 T: 46 R: 8	1.995	125,000	62,657
R001243	Subd: RIDGWAY HILLS SUBD Lot: 3 S: 15 T: 45 R: 8	2.16	135,000	62,500
R000437	Subd: DALLAS MEADOWS 1-5 Lot: 13 FILING #2 S: 4 T: 45 R: 8	2.045	127,500	62,347
R005754	Subd: PINYONS ON LOG HILL PUD Lot: 2 S: 32 T: 46 R: 8	4.01	250,000	62,344
R003307	Subd: WINDFALL SUB Lot: 1 S: 14 T: 45 R: 9	3.31	205,000	61,934
R003779	Subd: LOGHILL VILLAGE UNIT 1 Lot: 29 Block: B S: 5 T: 45 R: 8	0.946	58,000	61,311
R003641	Subd: EAGLE HILL RANCH PUD Lot: 4 S: 9 T: 45 R: 8	2.97	180,000	60,606
R000216	Subd: IDLEWILD ESTATES Lot: 6 FILING #1 S: 11 T: 44 R: 8	2	120,000	60,000
R003760	Subd: LOGHILL VILLAGE UNIT 1 Lot: 13 Block: G S: 32 T: 46 R:	2	118,000	59,000
R003404	Subd: SILVERADO ESTATES Lot: 1 S: 9 T: 46 R: 8	1.78	105,000	58,989
R001242	Subd: RIDGWAY HILLS SUBD Lot: 2 S: 15 T: 45 R: 8	3.28	189,725	57,843
R003644	Subd: EAGLE HILL RANCH PUD Lot: 7 S: 9 T: 45 R: 8	2.46	140,000	56,911
R003249	Subd: DALLAS MEADOWS 1-5 Lot: 14 FILING #2 S: 4 T: 45 R: 8	2.244	127,500	56,818
R001423	Subd: IDLEWILD ESTATES Lot: 40 FILING #2 S: 11 T: 44 R: 8	1.08	61,000	56,481
R005753	Subd: PINYONS ON LOG HILL PUD Lot: 1 S: 32 T: 46 R: 8	4.07	225,000	55,283
R003440	Subd: PLEASANT POINT #2 Lot: 18 S: 11 T: 45 R: 9	4.19	229,000	54,654
R000474	Subd: LOGHILL VILLAGE UNIT 2 Lot: 17 S: 31 T: 46 R: 8	2.73	149,000	54,579
R003858	Subd: LOGHILL VILLAGE UNIT 4 Lot: 4 S: 5 T: 45 R: 8	1.522	82,500	54,205
R003761	Subd: LOGHILL VILLAGE UNIT 1 Lot: 16 Block: G S: 32 T: 46 R:	2.02	108,500	53,713
R003707	Subd: LOGHILL VILLAGE UNIT 1 Lot: 9 Block: E S: 31 T: 46 R: 8	4.85	260,000	53,608
R003293	S: 1 T: 45 R: 8 SW1/4SE1/4	7.31	390,000	53,352
R000474	Subd: LOGHILL VILLAGE UNIT 2 Lot: 17 S: 31 T: 46 R: 8	2.73	145,000	53,114
R003802	Subd: LOGHILL VILLAGE UNIT 4 Lot: 44 S: 33 T: 46 R: 8	2.358	125,000	53,011
R005112	Subd: FISHER CANYON SOUTH #1 Lot: 11 S: 25 T: 46 R: 9	3.21	169,000	52,648
R005757	Subd: PINYONS ON LOG HILL PUD Lot: 5 S: 32 T: 46 R: 8	4.96	260,000	52,419
R005690	Subd: FISHER CANYON SOUTH #3 Lot: 28 S: 24 T: 46 R: 9	4.31	224,000	51,972

R005755	Subd: PINYONS ON LOG HILL PUD Lot: 3 S: 32 T: 46 R: 8	4.64	240,000	51,724
R003409	Subd: SILVERADO ESTATES Lot: 8 S: 9 T: 46 R: 8	1.353	69,900	51,663
R000509	Subd: LOGHILL VILLAGE UNIT 1 Lot: 20 Block: B S: 6 T: 45 R: 8	1.839	95,000	51,659
R005753	Subd: PINYONS ON LOG HILL PUD Lot: 1 S: 32 T: 46 R: 8	4.07	210,000	51,597
R003904	Subd: LOGHILL VILLAGE UNIT 1 Lot: 17 Block: C S: 31 T: 46 R: 8	1.92	99,000	51,563
R003660	Subd: EAGLE HILL RANCH FILING 2 Lot: 22 S: 9 T: 45 R: 8	1.85	95,000	51,351
R001350	Subd: IDLEWILD ESTATES Lot: 24 FILING #1 S: 11 T: 44 R: 8	1.8	92,400	51,333
R003739	Subd: LOGHILL VILLAGE UNIT 1 Lot: 16 Block: J S: 32 T: 46 R: 8	2.247	113,900	50,690
R003566	Subd: RIDGE Lot: 8 S: 9 T: 46 R: 8	3.77	190,000	50,398
R003379	Subd: JUNIPER HILLS Lot: 2 S: 4 T: 45 R: 8	3.88	193,000	49,742
R000496	Subd: LOGHILL VILLAGE UNIT 1 Lot: 7 Block: B S: 6 T: 45 R: 8	4.806	238,000	49,521
R003601	Subd: PLEASANT VALLEY VISTA #2 Lot: 3 S: 10 T: 45 R: 9	7	345,000	49,286
R003794	Subd: LOGHILL VILLAGE UNIT 4 Lot: 68 S: 5 T: 45 R: 8	2.544	125,000	49,135
R003871	Subd: LOGHILL VILLAGE UNIT 4 Lot: 26 S: 5 T: 45 R: 8	3.209	157,000	48,925
R001450	Subd: IDLEWILD ESTATES Lot: 73 FILING #5 S: 2 T: 44 R: 8	2.02	98,000	48,515
R003797	Subd: LOGHILL VILLAGE UNIT 4 Lot: 38 S: 5 T: 45 R: 8	2.618	125,000	47,746
R005685	Subd: FISHER CANYON SOUTH #3 Lot: 22 S: 24 T: 46 R: 9	5.94	270,000	45,455
R002905	Subd: FAIRWAY PINES ESTATES FILING #4A Lot: 429 S: 36 T: 46 R: 8	1.22	55,400	45,410
R004908	Subd: PINYON PEAK PHASE II Lot: 4 S: 29 T: 46 R: 8	4.63	210,000	45,356
R003685	Subd: LOGHILL VILLAGE UNIT 1 Lot: 43 Block: C S: 6 T: 45 R: 8	2.022	91,500	45,252
R003724	Subd: LOGHILL VILLAGE UNIT 1 Lot: 4 Block: H S: 32 T: 46 R: 8	1.989	90,000	45,249
R005420	Subd: FISHER CANYON SOUTH #2 Lot: 3 S: 25 T: 46 R: 9	2.047	92,000	44,944
R003675	Subd: LOGHILL VILLAGE UNIT 2 Lot: 9 S: 31 T: 46 R: 8	2.39	106,000	44,351
R005959	Subd: R & R RANCH LIMITED PUD Lot: 7B S: 10 T: 45 R: 9	8.6	375,000	43,605
R003971	Subd: LOGHILL VILLAGE UNIT 1 Lot: 19 Block: H S: 5 T: 45 R: 8	1.85	80,000	43,243
R005452	Subd: IDLEWILD ESTATES Lot: 4 FILING #1 S: 11 T: 44 R: 8	5.8	250,000	43,103
R003810	Subd: LOGHILL VILLAGE UNIT 4 Lot: 63 S: 32 T: 46 R: 8	2.789	120,000	43,026
R005684	Subd: FISHER CANYON SOUTH #3 Lot: 21 S: 24 T: 46 R: 9	2.91	125,000	42,955 H
R003987	Subd: LOGHILL VILLAGE UNIT 1 Lot: 5 Block: E S: 31 T: 46 R: 8	4.853	207,000	42,654
R003011	Subd: PINYON PEAK Lot: 1 S: 29 T: 46 R: 8	4.73	200,000	42,283
R001766	S: 24 T: 44 R: 8 PT OF KEY LODE	1.19	50,000	42,017
R003796	Subd: LOGHILL VILLAGE UNIT 4 Lot: 37 S: 5 T: 45 R: 8	2.988	125,000	41,834
R004005	Subd: LOGHILL VILLAGE UNIT 1 Lot: 2 Block: J S: 32 T: 46 R: 8	1.937	79,000	40,785
R005428	Subd: FISHER CANYON SOUTH #2 Lot: 31 S: 24 T: 46 R: 9	3.453	139,500	40,400
R003924	Subd: LOGHILL VILLAGE UNIT 2 Lot: 14 S: 31 T: 46 R: 8	2.518	100,000	39,714
R005430	Subd: FISHER CANYON SOUTH #2 Lot: 33 S: 25 T: 46 R: 9	3.572	140,000	39,194
R003777	Subd: LOGHILL VILLAGE UNIT 1 Lot: 5 Block: K S: 32 T: 46 R: 8	4.783	185,000	38,679

R003859	Subd: LOGHILL VILLAGE UNIT 4 Lot: 10 S: 5 T: 45 R: 8	2.847	110,000	38,637
R002974	Subd: FAIRWAY PINES ESTATES FILING #5A Lot: 521 S: 31 T:	2.143	82,000	38,264
R003714	Subd: LOGHILL VILLAGE UNIT 1 Lot: 3 Block: F S: 31 T: 46 R: 8	4.827	180,500	37,394
R005421	Subd: FISHER CANYON SOUTH #2 Lot: 4 S: 25 T: 46 R: 9	3.354	125,000	37,269
R003563	Subd: RIDGE Lot: 5 S: 9 T: 46 R: 8	3.48	129,450	37,198
R003777	Subd: LOGHILL VILLAGE UNIT 1 Lot: 5 Block: K S: 32 T: 46 R: 8	4.783	175,000	36,588
R003832	Subd: LOGHILL VILLAGE UNIT 2 Lot: 19 S: 31 T: 46 R: 8	4.063	148,000	36,426
R005683	Subd: FISHER CANYON SOUTH #3 Lot: 20 S: 24 T: 46 R: 9	4.39	159,000	36,219
R005452	Subd: IDLEWILD ESTATES Lot: 4 FILING #1 S: 11 T: 44 R: 8	5.8	205,000	35,345
R005423	Subd: FISHER CANYON SOUTH #2 Lot: 12 S: 25 T: 46 R: 9	3.066	107,900	35,192
R006038	Subd: FISHER CANYON NORTH Lot: 5 S: 24 T: 46 R: 9	5.99	210,000	35,058
R003744	Subd: LOGHILL VILLAGE UNIT 1 Lot: 4 Block: J S: 32 T: 46 R: 8	4.971	172,000	34,601
R005680	Subd: FISHER CANYON SOUTH #3 Lot: 17 S: 24 T: 46 R: 9	4.48	154,500	34,487
R003702	Subd: LOGHILL VILLAGE UNIT 1 Lot: 7 Block: H S: 32 T: 46 R: 8	1.86	64,000	34,409
R000507	Subd: LOGHILL VILLAGE UNIT 1 Lot: 44 Block: C S: 6 T: 45 R: 8	1.997	68,500	34,301
R005424	Subd: FISHER CANYON SOUTH #2 Lot: 13 S: 25 T: 46 R: 9	3.123	107,000	34,262
R003243	Subd: DALLAS MEADOWS 1-5 Lot: 31 FILING #4 S: 4 T: 45 R: 8	4.403	150,000	34,068
R005691	Subd: FISHER CANYON SOUTH #3 Lot: 29 S: 24 T: 46 R: 9	4.59	155,000	33,769
R003729	Subd: LOGHILL VILLAGE UNIT 1 Lot: 3 Block: J S: 32 T: 46 R: 8	5.035	170,000	33,764
R005427	Subd: FISHER CANYON SOUTH #2 Lot: 16 S: 24 T: 46 R: 9	4.16	140,000	33,654
R005941	Subd: CIMARRON MESA PUD Lot: 3 S: 24 T: 47 R: 9	4.535	150,000	33,076
R004016	Subd: LOGHILL VILLAGE UNIT 1 Lot: 18 Block: B S: 5 T: 45 R: 8	2.21	72,500	32,805
R005682	Subd: FISHER CANYON SOUTH #3 Lot: 19 S: 24 T: 46 R: 9	4.41	144,000	32,653
R001337	Subd: PONDEROSA WEST Lot: 1 S: 11 T: 44 R: 8	5.24	170,000	32,443
R003565	Subd: RIDGE Lot: 7 S: 9 T: 46 R: 8	4.66	147,900	31,738
R004906	Subd: PINYON PEAK PHASE II Lot: 2 S: 29 T: 46 R: 8	4.26	130,000	30,516
R003946	Subd: LOGHILL VILLAGE UNIT 1 Lot: 5 Block: D S: 31 T: 46 R: 8	5.506	168,000	30,512
R005681	Subd: FISHER CANYON SOUTH #3 Lot: 18 S: 24 T: 46 R: 9	5.08	154,500	30,413
R003729	Subd: LOGHILL VILLAGE UNIT 1 Lot: 3 Block: J S: 32 T: 46 R: 8	5.035	152,000	30,189
R003885	Subd: LOGHILL VILLAGE UNIT 1 Lot: 19 Block: E S: 5 T: 45 R: 8	4.822	145,000	30,071
R000505	Subd: LOGHILL VILLAGE UNIT 1 Lot: 19 Block: B S: 5 T: 45 R: 8	2.1	63,000	30,000
R003673	Subd: LOGHILL VILLAGE UNIT 1 Lot: 12 Block: D S: 31 T: 46 R: 8	5	150,000	30,000
R003775	Subd: LOGHILL VILLAGE UNIT 1 Lot: 7 Block: K S: 32 T: 46 R: 8	4.8	144,000	30,000
R003964	Subd: LOGHILL VILLAGE UNIT 2 Lot: 18 S: 31 T: 46 R: 8	4.989	149,000	29,866
R005689	Subd: FISHER CANYON SOUTH #3 Lot: 27 S: 24 T: 46 R: 9	5.29	157,000	29,679
R003314	Subd: NEFF SUB Lot: 5 S: 4 T: 45 R: 8	21.823	645,000	29,556
R003741	Subd: LOGHILL VILLAGE UNIT 1 Lot: 19 Block: J S: 32 T: 46 R: 8	5.161	150,000	29,064

R002662	Subd: CALBECK SUBD Lot: 4 S: 29 T: 46 R: 8	9.338	270,000	28,914
R000028	Subd: LOGHILL VILLAGE UNIT 1 Lot: 4 Block: G S: 32 T: 46 R:	4.813	138,000	28,672
R005426	Subd: FISHER CANYON SOUTH #2 Lot: 15 S: 24 T: 46 R: 9	3.889	111,300	28,619
R001305	Subd: ELK MEADOWS 1-5 Lot: 228 FILING #2 S: 5 T: 44 R: 8	5.3	150,000	28,302
R003741	Subd: LOGHILL VILLAGE UNIT 1 Lot: 19 Block: J S: 32 T: 46 R:	5.161	145,000	28,095
R002659	Subd: CALBECK SUBD Lot: 1 S: 29 T: 46 R: 8	9.29	257,700	27,740
R005421	Subd: FISHER CANYON SOUTH #2 Lot: 4 S: 25 T: 46 R: 9	3.354	92,500	27,579
R005425	Subd: FISHER CANYON SOUTH #2 Lot: 14 S: 25 T: 46 R: 9	3.65	100,000	27,397
R003868	Subd: LOGHILL VILLAGE UNIT 4 Lot: 23 S: 5 T: 45 R: 8	8.347	220,000	26,357
R003964	Subd: LOGHILL VILLAGE UNIT 2 Lot: 18 S: 31 T: 46 R: 8	4.989	129,000	25,857
R001263	Subd: HAGENSON SUBDIVISION Lot: 1 S: 15 T: 45 R: 8	6	155,000	25,833
R005562	Subd: MOUNTAIN SHADOWS EST SECOND AMENDED Lot: 1	11.43	293,400	25,669
R003720	Subd: FLYING K SUB Lot: 6 S: 30 T: 46 R: 8	4.73	119,500	25,264
R003908	Subd: LOGHILL VILLAGE UNIT 1 Lot: 21 Block: C S: 31 T: 46 R:	2.142	53,500	24,977
R005113	Subd: FISHER CANYON SOUTH #1 Lot: 34 S: 25 T: 46 R: 9	5.24	130,500	24,905
R003714	Subd: LOGHILL VILLAGE UNIT 1 Lot: 3 Block: F S: 31 T: 46 R: 8	4.827	119,500	24,757
R003744	Subd: LOGHILL VILLAGE UNIT 1 Lot: 4 Block: J S: 32 T: 46 R: 8	4.971	122,500	24,643
R003047	Subd: SUNRIDGE SUB Lot: 1 S: 29 T: 46 R: 8	9.398	229,000	24,367
R005421	Subd: FISHER CANYON SOUTH #2 Lot: 4 S: 25 T: 46 R: 9	3.354	81,000	24,150
R002487	Subd: JETLEY EXEMPT 1&2 #2 S: 33 T: 47 R: 10 NW1/4SE1/4	2.49	60,000	24,096
R003708	Subd: LOGHILL VILLAGE UNIT 1 Lot: 16 Block: E S: 31 T: 46 R:	5.774	139,000	24,073
R003567	Subd: RIDGE Lot: 9 S: 9 T: 46 R: 8	9	215,000	23,889
R005687	Subd: FISHER CANYON SOUTH #3 Lot: 25 S: 24 T: 46 R: 9	4.83	112,500	23,292
R004831	Subd: SNOWY PEAKS ESTATES #3 Lot: 15 S: 26 T: 47 R: 9	5.24	122,000	23,282
R003736	Subd: LOGHILL VILLAGE UNIT 1 Lot: 13 Block: J S: 32 T: 46 R:	2.15	50,000	23,256
R003976	Subd: LOGHILL VILLAGE UNIT 1 Lot: 4 Block: E S: 31 T: 46 R: 8	4.88	112,500	23,053
R003750	Subd: LOGHILL VILLAGE UNIT 1 Lot: 11 Block: E S: 31 T: 46 R:	4.8	110,000	22,917
R006012	Subd: SNOWSHOE SUBDIVISION PUD LIMITED Lot: 2 S: 30 T:	10.09	225,000	22,299
R005564	Subd: MOUNTAIN SHADOWS EST SECOND AMENDED Lot: 3	14.385	315,000	21,898
R002659	Subd: CALBECK SUBD Lot: 1 S: 29 T: 46 R: 8	9.29	200,000	21,529
R005061	Subd: CARY BOUNDARY ADJ Lot: 9 Subd: KELLER-HILLS SUE	4.74	100,000	21,097
R000501	Subd: LOGHILL VILLAGE UNIT 1 Lot: 11 Block: B S: 6 T: 45 R: 8	4.82	99,000	20,539
R003567	Subd: RIDGE Lot: 9 S: 9 T: 46 R: 8	9	184,500	20,500
R005688	Subd: FISHER CANYON SOUTH #3 Lot: 26 S: 24 T: 46 R: 9	6.59	135,000	20,486
R005107	Subd: FISHER CANYON SOUTH #1 Lot: 6 S: 25 T: 46 R: 9	4.04	82,500	20,421
R005563	Subd: MOUNTAIN SHADOWS EST SECOND AMENDED Lot: 2	15.494	315,000	20,330
R005805	Subd: NORTH SIDE SUBDIVISION Lot: 2 S: 30 T: 46 R: 8	18.7	375,000	20,053

R003226	Subd: HUDSON SUB Lot: 4 S: 28 T: 45 R: 8	10	200,000	20,000
R005692	Subd: FISHER CANYON SOUTH #3 Lot: 30 S: 24 T: 46 R: 9	4.07	81,000	19,902
R004010	Subd: LOGHILL VILLAGE UNIT 1 Lot: 23 Block: J S: 32 T: 46 R:	6.06	120,000	19,802
R005575	Subd: COTTONWOOD EXEMPTION Lot: 4 S: 11 T: 44 R: 8	17.246	340,000	19,715
R005688	Subd: FISHER CANYON SOUTH #3 Lot: 26 S: 24 T: 46 R: 9	6.59	128,500	19,499
R004831	Subd: SNOWY PEAKS ESTATES #3 Lot: 15 S: 26 T: 47 R: 9	5.24	100,000	19,084
R003566	Subd: RIDGE Lot: 8 S: 9 T: 46 R: 8	10	190,000	19,000
R003703	Subd: LOGHILL VILLAGE UNIT 1 Lot: 2 Block: G S: 32 T: 46 R:	4.8	91,000	18,958
R001590	S: 13 T: 44 R: 8 TRACT BEING PT OF LOT 1 & PT OF LOT 4 &	35.16	650,000	18,487
R003712	Subd: LOGHILL VILLAGE UNIT 1 Lot: 8 Block: F S: 32 T: 46 R: 8	5.02	92,500	18,426
R005935	Subd: WATERVIEW COVE PUD Lot: 5 S: 28 T: 46 R: 8	5.77	105,000	18,198
R003816	Subd: LOGHILL VILLAGE UNIT 4 Lot: 54 S: 33 T: 46 R: 8	14.045	255,000	18,156
R005429	Subd: FISHER CANYON SOUTH #2 Lot: 32 S: 25 T: 46 R: 9	5.185	93,000	17,936
R003830	Subd: LOGHILL VILLAGE UNIT 1 Lot: 14 Block: D S: 31 T: 46 R:	5	89,000	17,800
R000408	Subd: MCKENZIE CREEK Lot: C S: 13 T: 46 R: 9	5.62	100,000	17,794
R005936	Subd: WATERVIEW COVE PUD Lot: 6 S: 28 T: 46 R: 8	4.79	85,000	17,745
R003832	Subd: LOGHILL VILLAGE UNIT 2 Lot: 19 S: 31 T: 46 R: 8	4.063	72,000	17,721
R000506	Subd: LOGHILL VILLAGE UNIT 1 Lot: 11 Block: D S: 31 T: 46 R:	5.015	88,000	17,547
R003843	Subd: KELLER-HILLS SUB Lot: 7 S: 28 T: 46 R: 8	6.09	105,000	17,241
R003744	Subd: LOGHILL VILLAGE UNIT 1 Lot: 4 Block: J S: 32 T: 46 R: 8	4.971	85,000	17,099
R005949	Subd: CIMARRON VIEW LIMITED PUD PARCEL A S: 24 T: 47 T:	8.89	147,500	16,592
R000486	Subd: BENNETT SUB Lot: 3 S: 32 T: 46 R: 8	9.407	153,800	16,350
R002748	Subd: JACKSON EXEMPT S: 1 T: 45 R: 9	14.9	240,000	16,107
R003515	S: 3 T: 45 R: 8 SW1/4SW1/4	40	599,000	14,975
R005559	Subd: MESA LUNA LIMITED PUD Lot: 1 S: 32 T: 46 R: 8	10	149,000	14,900
R003946	Subd: LOGHILL VILLAGE UNIT 1 Lot: 5 Block: D S: 31 T: 46 R: 8	5.506	75,000	13,622
R000486	Subd: BENNETT SUB Lot: 3 S: 32 T: 46 R: 8	9.407	128,000	13,607
R003048	Subd: SUNRIDGE SUB Lot: 2 S: 29 T: 46 R: 8	9.395	125,000	13,305
R004182	Subd: HUNTER EXEMPTION, AMENDED PLAT OF SURVEY (C	12.65	168,200	13,296
R002620	Subd: LAZY DOG RANCH SUB Tract: 7 S: 9 T: 45 R: 9	35.02	450,000	12,850
R000025	Subd: LOGHILL CREST Tract: 1 S: 33 T: 46 R: 8	41.64	510,000	12,248
R002625	Subd: LAZY DOG RANCH SUB #2 TRACT 12 S: 9 T: 45 R: 9	35.02	425,000	12,136
R002623	Subd: LAZY DOG RANCH SUB Tract: 10 #2 S: 8 T: 45 R: 9	35.56	415,000	11,670
R003252	S: 15 T: 45 R: 8 W1/2SW1/4SW1/4 (LOT 5) S: 22 T: 45 R: 8 W1	33.55	379,000	11,297
R003550	Subd: PINON VIEJO Lot: 1 S: 9 T: 46 R: 8	9.85	108,000	10,964
R005598	Subd: BURDICK SUB LIMITED PUD Lot: 1 S: 26 T: 47 R: 9	9.596	104,000	10,838
R003874	Subd: LOGHILL VILLAGE UNIT 4 Lot: 55 S: 5 T: 45 R: 8	9.712	105,000	10,811

R005599	Subd: BURDICK SUB LIMITED PUD Lot: 2 S: 26 T: 47 R: 9	9.712	100,000	10,297
R003873	Subd: LOGHILL VILLAGE UNIT 4 Lot: 35 S: 5 T: 45 R: 8	8.269	85,000	10,279
R002939	S: 1 T: 45 R: 9 TRACT IN E1/2SW1/4	42.25	420,000	9,941
R003072	Subd: LOGHILL CREST Tract: 26 S: 30 T: 46 R: 8	37.26	360,000	9,662
R003868	Subd: LOGHILL VILLAGE UNIT 4 Lot: 23 S: 5 T: 45 R: 8	8.347	80,000	9,584
R003575	Subd: LAZY DOG RANCH SUB Tract: 2 S: 10 T: 45 R: 9	35.02	319,000	9,109
R005493	Subd: LONGVIEW LIMITED PUD TRACT 2 S: 23 T: 47 R: 9	16.163	146,500	9,064
R003576	Subd: LAZY DOG RANCH SUB Tract: 3 S: 10 T: 45 R: 9	35.02	310,000	8,852
R005615	MINE: DICK BLAND - MS 9614 SURFACE RIGHTS ONLY MINE	40.32	350,000	8,681
R003861	Subd: LOGHILL VILLAGE UNIT 4 Lot: 13 S: 5 T: 45 R: 8	11.57	99,000	8,557
R003579	Subd: LAZY DOG RANCH SUB Tract: 6 S: 9 T: 45 R: 9	35.02	298,900	8,535
R003881	Subd: LOGHILL VILLAGE UNIT 4 Lot: 70 S: 32 T: 46 R: 8	10.962	92,500	8,438
R001218	S: 35 T: 45 R: 8 PT OF SW1/4NW1/4	22.21	185,000	8,330
R004239	Subd: BROWN, ROBERT SUB Lot: 1 S: 18 T: 47 R: 8	28.72	232,500	8,095
R004257	Subd: TOBIN PARTITION TRACT I S: 14 T: 47 R: 9 TRACT IN S	26.82	215,000	8,016
R004239	Subd: BROWN, ROBERT SUB Lot: 1 S: 18 T: 47 R: 8	28.72	219,000	7,625
R001183	S: 21 T: 44 R: 8 SW1/4SW1/4	40	300,000	7,500
R005950	Subd: CIMARRON VIEW LIMITED PUD PARCEL C S: 24 T: 47	15.35	115,000	7,492
R005922	Subd: TOBIN PARTITION TRACT II S: 14 T: 47 R: 9 TRACT IN S	26.82	200,000	7,457
R002627	Subd: LAZY DOG RANCH SUB Tract: 14 #2 S: 8 T: 45 R: 9	35.07	260,000	7,414
R004188	S: 27 T: 47 R: 9 SE1/4NW1/4	39.95	283,000	7,084
R002947	S: 22 T: 46 R: 9 NW1/4NE1/4	40.28	280,000	6,951
R003083	S: 12 T: 46 R: 9 SE1/4NW1/4	40	278,000	6,950
R002996	Subd: LOGHILL CREST Tract: 19 S: 30 T: 46 R: 8	38.12	250,000	6,558
R002476	Subd: SAN JUAN RANCH Lot: 15 S: 11 T: 45 R: 10	110.51	700,000	6,334
R004220	S: 13 T: 47 R: 9 N1/2S1/2NW1/4	40	235,000	5,875
R002635	Subd: HORSEFLY TRACTS 45-10 Lot: 17 S: 23 T: 45 R: 10 SW	40.23	232,500	5,779
R002947	S: 22 T: 46 R: 9 NW1/4NE1/4	40.28	229,500	5,698
R002680	S: 21 T: 46 R: 9 SW1/4NE1/4	40	225,000	5,625
R003092	S: 12 T: 46 R: 9 TRACT IN SE1/4NE1/4 & NE1/4SE1/4	41.01	226,250	5,517
R000531	S: 35 T: 47 R: 9 "TRACT 1" IN NW1/4NE1/4	35.098	180,000	5,128
R002947	S: 22 T: 46 R: 9 NW1/4NE1/4	40.28	205,000	5,089
R004081	S: 15 T: 47 R: 9 SE1/4NW1/4	40	200,000	5,000
R004225	S: 23 T: 47 R: 9 NE1/4SE1/4	40	196,000	4,900
R000399	S: 2 T: 46 R: 9 NE1/4SW1/4	40	195,000	4,875
R006137	S: 22 T: 47 R: 9 NE1/4NE1/4	40	195,000	4,875
R002476	Subd: SAN JUAN RANCH Lot: 15 S: 11 T: 45 R: 10	110.51	526,500	4,764

R002947	S: 22 T: 46 R: 9 NW1/4NE1/4	40.28	189,000	4,692
R002687	S: 16 T: 46 R: 9 NW1/4NE1/4	40	185,000	4,625
R006137	S: 22 T: 47 R: 9 NE1/4NE1/4	40	180,000	4,500
R006378	S: 34 T: 47 R: 9 SW1/4SE1/4	40	180,000	4,500
R002369	S: 16 T: 47 R: 9 SW1/4NW1/4	40	177,500	4,438
R002546	Subd: HORSEFLY PART. 47-10 S: 36 T: 47 R: 10 SE1/4SW1/4	40	175,000	4,375
R004215	Subd: CARR LIMITED PUD Lot: 2 S: 13 T: 47 R: 9	35.46	152,800	4,309
R006088	S: 22 T: 47 R: 9 NE1/4NW1/4	40	170,000	4,250
R002474	Subd: SAN JUAN RANCH Lot: 19 #3 S: 11 T: 45 R: 10	105.907	450,000	4,249
R001636	S: 3 T: 44 R: 8 TRACT IN S1/2SE1/4 S: 10 T: 44 R: 8 TRACT IN	36.86	155,000	4,205
R004269	S: 34 T: 47 R: 9 SE1/4SW1/4	40	167,500	4,188
R000531	S: 35 T: 47 R: 9 "TRACT 1" IN NW1/4NE1/4	35.098	145,000	4,131
R003192	S: 10 T: 46 R: 9 SE1/4SE1/4	39.66	160,000	4,034
R005695	S: 15 T: 47 R: 9 NE1/4SW1/4	40	157,000	3,925
R002391	Subd: HORSEFLY PART. 47-10 S: 36 T: 47 R: 10 SE1/4NW1/4	40	155,000	3,875
R002533	S: 21 T: 47 R: 9 SE1/4NE1/4	40	150,000	3,750
R002584	Subd: HORSEFLY PART. 47-10 S: 36 T: 47 R: 10 NE1/4NW1/4	40	150,000	3,750
R002680	S: 21 T: 46 R: 9 SW1/4NE1/4	40	135,000	3,375
R004143	S: 25 T: 47 R: 9 SE1/4SE1/4	40	135,000	3,375
R005550	S: 35 T: 47 R: 9 "TRACT 2" IN NE1/4	35	115,000	3,286
R004275	S: 22 T: 47 R: 9 SE1/4NE1/4	40	128,000	3,200
R000356	Subd: HORSEFLY TRACTS 1 & 2 Lot: 4 S: 15 T: 47 R: 10 TRAC	38.2	122,000	3,194
R004843	S: 16 T: 46 R: 9 NE1/4SE1/4 LESS N1/2NW1/4NE1/4SE1/4 (5 A	35	110,000	3,143
R004143	S: 25 T: 47 R: 9 SE1/4SE1/4	40	125,000	3,125
R004187	S: 27 T: 47 R: 9 SW1/4NW1/4 TRACT 4	40	120,000	3,000
R005585	Subd: SUNSHINE OF DELTA REPLAT OF AMENDED Tract: 6 S	41.67	125,000	3,000
R005581	Subd: SUNSHINE OF DELTA REPLAT OF AMENDED Tract: 5 S	35.26	105,000	2,978
R002454	Subd: HORSEFLY PART. 3 & 4 Lot: 58 TRACT #4 S: 25 T: 47 R	36.32	107,000	2,946
R002437	Subd: HORSEFLY PART. 3 & 4 Lot: 51 Tract: 3 S: 26 T: 47 R: 10	36.07	105,500	2,925
R004190	S: 36 T: 47 R: 9 SE1/4SW1/4	40	102,000	2,550
R005623	S: 7 T: 46 R: 9 MOST OF THE SE1/4SE1/4 S: 8 T: 46 R: 9 PT O	35.37	90,000	2,545
R002598	S: 21 T: 47 R: 9 S1/2NE1/4NW1/4	20	50,000	2,500
R005584	Subd: SUNSHINE OF DELTA REPLAT OF AMENDED Tract: 4 S	42.33	105,000	2,481
R002384	Subd: HORSEFLY PART. 3 & 4 Lot: 47 ALSO KNOWN AS S: 26	35.5	87,500	2,465
R002454	Subd: HORSEFLY PART. 3 & 4 Lot: 58 TRACT #4 S: 25 T: 47 R	36.32	87,500	2,409
R004197	S: 36 T: 47 R: 9 SW1/4SE1/4 & EASEMENT THU SE1/4	40	94,500	2,363
R000514	S: 15 T: 47 R: 9 SW1/4SE1/4	40	93,500	2,338

R004809	S: 22 T: 47 R: 9 SW1/4NE1/4 ALSO KNOWN AS TRACT 4 ON F	39.662	92,500	2,332
R002991	S: 16 T: 46 R: 9 NE1/4NE1/4	40	92,500	2,313
R005070	S: 22 T: 47 R: 9 NW1/4SW1/4	40.544	92,500	2,281
R000512	S: 15 T: 47 R: 9 SW1/4NE1/4	40	90,000	2,250
R004223	Sixteenth: NE Quarter: NE S: 22 T: 47 R: 9	80	180,000	2,250
R002440	Subd: HORSEFLY PART. 47-10 S: 36 T: 47 R: 10 NW1/4SE1/4	40	89,900	2,248
R002385	Subd: HORSEFLY PART. 3 & 4 Lot: 46 TRACT #3 S: 26 T: 47 R	35.88	80,000	2,230
R002607	Subd: HORSEFLY TRACTS 1 & 2 Lot: 3 TRACT #1 S: 15 T: 47 R	43.91	97,000	2,209
R005075	S: 24 T: 47 R: 10 NW1/4SW1/4	40	81,000	2,025
R002410	S: 6 T: 46 R: 9 TRACT 2	36.19	70,000	1,934
R002433	Subd: HORSEFLY PART. 3 & 4 Lot: 39 Tract: 3 S: 26 T: 47 R: 10	38.19	72,000	1,885
R002442	S: 8 T: 46 R: 9 NE1/4SE1/4	40	75,000	1,875
R002370	S: 17 T: 47 R: 10 TRACT 1 SITUATED IN THE S1/2SE1/4NE1/4	43.85	79,900	1,822
R002436	Subd: HORSEFLY TRACTS 1 & 2 Lot: 25 Tract: 2 S: 23 T: 47 R:	40.98	70,000	1,708
R002484	S: 19 T: 47 R: 9 E1/2SE1/4SE1/4 & E1/2W1/2SE1/4SE1/4	29.562	50,000	1,691
R004081	S: 15 T: 47 R: 9 SE1/4NW1/4	40	58,000	1,450
R005583	Subd: SUNSHINE OF DELTA REPLAT OF AMENDED Tract: 3 &	85.42	119,000	1,393
R002499	S: 18 T: 47 R: 9 SE1/4SE1/4	40	52,000	1,300
R000538	S: 36 T: 47 R: 9 NW1/4SE1/4 & NE1/4SE1/4	80	100,000	1,250
R005538	S: 8 T: 46 R: 9 NW1/4SW1/4	40	50,000	1,250
R002616	S: 18 T: 47 R: 9 N1/2SE1/4	80	72,500	906

File: Top100 AssessData Plus VIC Status

AccountNo	EconArea	Legal	SitusAddress	2012 Val	Location/VICorridor
R005956	1	MINE: DEL NORTE - MS 6374 5 ACRE	1995 GOLD MOUNTAIN TRL	1,318,490	Yes, Hwy 550
R000264	1	Subd: WALDRUM EXEMPTION NO. 2	5 MINERAL FARMS LN	698,000	No, CR 361
R003495	2	Subd: LOUGHTER PLACE SUBDIVISI	6154 COUNTY ROAD 23	5,860,780	Yes, Hwy 550
R005958	2	Subd: R & R RANCH LIMITED PUD Lo	678 CATAMOUNT DR	5,012,900	Yes, CR24
R003449	2	Subd: PROMONTORIES SUBD Lot: 1	25 PROMONTORIES DR	2,016,600	Yes, CR1
R002625	2	Subd: LAZY DOG RANCH SUB #2 TR	7028 OLD RELAY RD	1,722,070	Yes, CR24
R003600	2	Subd: PLEASANT VALLEY SLOPE 1 F	1001 PLEASANT VALLEY DR	1,665,560	Yes, CR24
R000215	2	Lot: 5 TRACT IN LOT 5 S: 6 T: 44 R: 8	6995 COUNTY ROAD 5	1,341,820	Yes, CR5
R003403	2	Subd: MAYFIELD EXEMPT Lot: 2 S: 7	13869 COUNTY ROAD 1	1,293,430	Yes, CR1, CR24
R002624	2	Subd: LAZY DOG RANCH SUB Tract:	2505 MCCLURE RD	1,231,520	Yes, CR24
R003489	2	S: 11 T: 45 R: 9 NE1/4SW1/4	318 PENN CREST RD	1,176,590	Yes, CR24
R003609	2	Subd: PLEASANT VALLEY VISTA Lot:	202 PLEASANT VALLEY DR	1,171,610	Yes, CR24
R003320	2	S: 5 T: 45 R: 8 TRACT IN SW1/4SE1/4	1500 COUNTY ROAD 24	1,163,690	Yes, CR24
R000203	2	TRACT IN LOTS 1 & 4 S: 13 T: 44 R: 8	570 RED STONE RD	1,140,000	Yes, Hwy 550
R003622	2	Subd: PLEASANT VALLEY VISTA Lot:	411 PLEASANT VALLEY DR	1,136,050	Yes, CR24
R005563	2	Subd: MOUNTAIN SHADOWS EST SE	230 SHADOW LN	1,056,310	Yes, CR24
R003599	2	Subd: PLEASANT VALLEY VISTA #2 L	1048 PLEASANT VALLEY DR	1,054,780	Yes, CR24
R003330	2	Subd: PLEASANT HILLS SUBD Lot: 3	1911 PLEASANT HILLS CT	1,046,420	Yes, CR24
R003576	2	Subd: LAZY DOG RANCH SUB Tract:	7041-A OLD RELAY RD	1,014,340	Yes, CR24
R002626	2	Subd: LAZY DOG RANCH SUB #2 TR	1963 MCCLURE RD	981,790	Yes, CR24
R003613	2	Subd: PLEASANT VALLEY VISTA Lot:	372 PLEASANT VALLEY DR	965,810	Yes, CR24
R001569	2	Subd: PONDEROSA VILLAGE Lot: 12	146 WHITE HOUSE VISTA LN	956,090	Yes, Hwy 550
R003346	2	S: 12 T: 45 R: 9 PT OF NE1/4NW1/4	385 PRIVATE DR	954,150	Yes, CR1
R001465	2	Subd: KOLOWICH PORTLAND EX Lot	17101 HIGHWAY 550	937,550	Yes, Hwy 550
R003612	2	Subd: PLEASANT VALLEY VISTA Lot:	354 PLEASANT VALLEY DR	917,850	Yes, CR24
R003602	2	Subd: PLEASANT VALLEY VISTA #2 L	1036 PLEASANT VALLEY DR	895,510	Yes, CR24
R000212	2	Subd: BLACK LAKE SUB Lot: 7 S: 11 T	2497 COUNTY ROAD 17	888,940	Yes, Hwy 550
R003619	2	Subd: PLEASANT VALLEY VISTA Lot:	675 PLEASANT VALLEY DR	881,290	Yes, CR24
R003660	2	Subd: EAGLE HILL RANCH FILING 2 L	120 QUARTER HORSE LN	877,480	Yes, CR5
R003662	2	Subd: EAGLE HILL RANCH FILING 2 L	1064 GOLDEN EAGLE TRL	872,800	Yes, CR5
R003382	2	Subd: JUNIPER HILLS Lot: 5 S: 4 T: 45	103 LOWERY CT	860,180	Yes, Hwy 550
R003547	2	S: 12 T: 45 R: 8 PT OF SE1/4NE1/4	97 ADOBE RIDGE RD	821,300	No, CR 10A, CR12
R000426	2	S: 36 T: 45 R: 9 SE1/4NE1/4	800 COUNTY ROAD 7A	815,210	Yes, CR7
R001573	2	Subd: IDLEWILD ESTATES Lot: 88-A	618 ELK RIDGE TRL	813,530	Yes, Hwy 550
R003441	2	Subd: PLEASANT POINT #2 Lot: 19 S:	7480 PLEASANT POINT DR	807,390	Yes, CR24
R000213	2	Subd: BLACK LAKE SUB Lot: 13 S: 11	2792 COUNTY ROAD 17	806,740	Yes, Hwy 550

R003250	2	Subd: B & C EXEMPT S: 4 T: 45 R: 8 S	475 COUNTY ROAD 24	801,090	Yes, CR24
R003658	2	Subd: EAGLE HILL RANCH FILING 2	294 QUARTER HORSE LN	774,260	Yes, CR5
R001446	2	Subd: PORTLAND Block: 12-13 PART	12 OLD SCHOOL RD	771,720	Yes, Hwy 550
R001234	2	Subd: SAILORS EXEMPT Lot: 2 S: 36	778 COUNTY ROAD 7A	760,330	Yes, CR7
R000024	2	Subd: DALLAS MEADOWS 1-5 Lot: 42	137 RIVER LN	740,920	Yes, Hwy 550
R001258	2	Subd: PIEDMONT SUB Lot: 3 S: 27 T:	22 PIEDMONT DR	731,180	Yes, Hwy 550
R001336	2	S: 11 T: 44 R: 8 TRACT OF LAND LYIN	102 CUTLER CREEK DR	705,900	Yes, Hwy 550
R000219	2	Subd: IDLEWILD ESTATES Lot: A FILL	842 MARYS RD	701,880	Yes, Hwy 550
R003415	2	S: 8 T: 45 R: 8 PT OF N1/2NW1/4	2010 COUNTY ROAD 24	690,810	Yes, CR24
R005299	2	Subd: SPUD HILL RANCH Lot: 1 S: 8 T	31329 HIGHWAY 550	678,900	Yes, Hwy 550
R000389	6	S: 36 T: 46 R: 9 NW1/4SE1/4 & PT OF	11893 COUNTY ROAD 1	1,863,500	Yes, CR1
R003062	6	S: 25 T: 46 R: 9 TRACT 2 W IN S1/2NE	10500 COUNTY ROAD 1	1,324,990	Yes, CR1
R003001	6	S: 1 T: 45 R: 9 PT OF SE1/4	13042 COUNTY ROAD 1	1,275,530	Yes, CR1
R005740	6	Subd: LOGHILL VILLAGE UNIT 1, REF	650 PONDEROSA DR	1,246,750	Yes, CR1
R003941	6	Subd: LOGHILL VILLAGE UNIT 1 Lot:	182 JUNIPER RD S	1,209,890	Yes, CR1
R003079	6	S: 18 T: 46 R: 8 LOT 9	2300 COUNTY ROAD 1A #MAIN HO	1,194,930	Yes, CR1
R002939	6	S: 1 T: 45 R: 9 TRACT IN E1/2SW1/4	399 JACKS PL	1,151,940	Yes, CR1
R003056	6	S: 36 T: 46 R: 9 NE1/4SW1/4	11743 COUNTY ROAD 1	1,125,150	Yes, CR1
R005685	6	Subd: FISHER CANYON SOUTH #3 Lot	20 FISHER CANYON CT	1,098,540	Yes, CR1
R002659	6	Subd: CALBECK SUBD Lot: 1 S: 29 T:	123 SAINT JEROME RD	1,086,930	No
R003048	6	Subd: SUNRIDGE SUB Lot: 2 S: 29 T:	3157 PONDEROSA DR	1,070,880	No
R005429	6	Subd: FISHER CANYON SOUTH #2 Lot	190 FISHER CANYON DR	1,046,720	Yes, CR1
R003033	6	Subd: RIDGVIEW ESTATES Lot: 3 S:	13521 COUNTY ROAD 1	1,004,240	Yes, CR1
R003061	6	S: 25 T: 46 R: 9 TRACT 2-E IN S1/2NE	4839 COUNTY ROAD 1A	979,480	Yes, CR1
R003901	6	Subd: DEERFIELD SUB Lot: 1 S: 1 T:	454 PONDEROSA DR	977,390	Yes, CR1
R003101	6	Subd: WATERVIEW SUBD Lot: 2 S: 29	599 WATERVIEW LN	960,720	No
R003152	6	Subd: KIRBY EXEMPTION Lot: 2 S: 29	3401 PONDEROSA DR	918,940	No
R003068	6	S: 11 T: 46 R: 9 SW1/4SW1/4	240 SAGUARO LN	894,210	No
R006011	6	Subd: SNOWSHOE SUBDIVISION PU	5100 PONDEROSA DR	864,110	Yes, CR1
R002675	6	Subd: FISHER CREEK ESTATES Lot:	44 FISHER CREEK DR	849,200	Yes, CR1
R003982	6	Subd: PONDEROSA CREST Lot: 1 S:	98 WILLOW LN	837,960	No
R003013	6	Subd: SILVERHORN SUBD Lot: 2 S: 2	2121 SILVERHORN TRL	820,550	No
R003078	6	S: 29 T: 46 R: 8 NW1/4NE1/4	3640 PONDEROSA DR	818,120	No
R003081	6	S: 18 T: 46 R: 8 MOST OF LOT 5	399 DENALI LN	801,340	No
R003105	6	Subd: WATERVIEW SUBD Lot: 6 S: 29	555 WATERVIEW LN	788,070	No
R003750	6	Subd: LOGHILL VILLAGE UNIT 1 Lot:	181 JUNIPER RD S	781,880	Yes, CR1
R003187	6	S: 3 T: 46 R: 9 SE1/4SE1/4 S: 10 T: 46	70 SUMAC LN	778,930	Yes, CR1

R003108	6	Subd: WATERVIEW SUBD Lot: 9 S: 2	521 WATERVIEW DR	770,530	No
R003109	6	Subd: WATERVIEW SUBD Lot: 10 S: 2	511 WATERVIEW LN	767,470	No
R003100	6	Subd: WATERVIEW SUBD Lot: 1 S: 2	601 WATERVIEW LN	765,760	No
R003032	6	Subd: RIDGVIEW ESTATES Lot: 2 S:	13607 COUNTY ROAD 1	763,660	Yes, CR1
R003836	6	Subd: LOGHILL VILLAGE UNIT 1 Lot:	56 ASH CT	757,110	Yes, CR1
R004950	6	Subd: WATERVIEW KNOLLS SUBD F	199 WATERVIEW LN	747,550	No
R003864	6	Subd: LOGHILL VILLAGE UNIT 4 Lot:	792 PINE DR	744,080	Yes, CR24
R003944	6	Subd: LOGHILL VILLAGE UNIT 1 Lot:	351 PINE DR	727,680	Yes, CR24
R005108	6	Subd: FISHER CANYON SOUTH #1 L	101 FISHER CANYON DR	710,920	Yes, CR1
R002674	6	Subd: FISHER CREEK ESTATES Lot:	56 FISHER CREEK DR	705,360	Yes, CR1
R002685	6	S: 16 T: 46 R: 9 NW1/4SE1/4	1309 WILD POPPY DR	696,900	No
R003748	6	Subd: LOGHILL VILLAGE UNIT 4 Lot:	832 PINE DR	684,950	Yes, CR24
R005109	6	Subd: FISHER CANYON SOUTH #1 L	123 FISHER CANYON DR	667,900	Yes, CR1
R002692	6	S: 17 T: 46 R: 9 NE1/4NE1/4	275 LARSEN DR	659,610	No
R005423	6	Subd: FISHER CANYON SOUTH #2 L	173 FISHER CANYON DR	641,340	Yes, CR1
R002966	7	Subd: FAIRWAY PINES ESTATES FIL	210 HUMMINGBIRD TRL	1,267,860	Yes, CR1
R002963	7	Subd: FAIRWAY PINES ESTATES FIL	314 HUMMINGBIRD TRL	1,027,370	Yes, CR1
R002751	7	Subd: FAIRWAY PINES ESTATES FIL	30 BADGER TRL S	997,100	Yes, CR1
R002920	7	Subd: FAIRWAY PINES ESTATES FIL	442 BADGER TRL S	828,580	Yes, CR1
R002761	7	Subd: FAIRWAY PINES ESTATES FIL	642 MARMOT DR	744,160	Yes, CR1
R002815	7	Subd: FAIRWAY PINES ESTATES FIL	209 WOODCHUCK PL	741,150	Yes, CR1
R002917	7	Subd: FAIRWAY PINES ESTATES FIL	338 BADGER TRL S	729,930	Yes, CR1
R002769	7	Subd: FAIRWAY PINES ESTATES FIL	115 PIKA LN	713,880	Yes, CR1
R002910	7	Subd: FAIRWAY PINES ESTATES FIL	49 BADGER TRL S	685,380	Yes, CR1
R005138	7	Subd: FAIRWAY PINES ESTATES FIL	554 BADGER TRL N	663,210	Yes, CR1
R002960	7	Subd: FAIRWAY PINES ESTATES FIL	43 BLACK BEAR WAY	659,310	Yes, CR1
R002919	7	Subd: FAIRWAY PINES ESTATES FIL	412 BADGER TRL S	644,910	Yes, CR1

OURAY COUNTY PLANNING COMMISSION  
PUBLIC HEARING ON COMMERCIAL LOGGING AND VISUAL IMPACT  
APRIL 9, 1996

Chair Gregory Posta called the meeting to order at 7:00 p.m. Planning Commission members present were Frank Huey, Greg Posta, Bob Middleton, John Trujillo, and Judy Wolford. Also in attendance was County Administrator Ron Bell, County Attorney Mike Hockersmith and recording secretary Carol Dunn.

Greg Posta advised there were to be two public hearings. One on commercial logging and the other on visual impact. The commercial logging public hearing would be from 7:00 p.m. to 7:45 p.m. and visual impact 7:45 p.m. to 9:00 p.m. Posta instructed people to come to the podium to speak, to address their comments to the Planning Commission and that the meeting was being recorded and to please state their name for the record.

COMMERCIAL LOGGING

Ron Bell gave brief overview of the proposed Commercial Logging amendment. The amendment was looked at about a year ago and the Planning Commission decided to amend commercial logging as it relates to the Land Use Code. The Planning Commission reviewed a proposal to specifically define what commercial logging is. Right now it says it is "A timber cutting operation involving more than 150,000 board feet per year." Bell commented that this is a broad definition. Bell went on to explain what the special use process will be and what will be involved. Bell read the language that would be added to Section 5.3 A 3. "In addition, in the case of a proposed commercial logging operation, the County may require the applicant/operator to submit a site-specific forest management plan which shall address such matters as the size of trees to be taken, the locations of the proposed operation, time of year of the operation, clean-up, reforestation and related items."

Posta then opened up the floor for public comment as follows:

Linda Ingo - Thanked the Planning Commission for revising the amendment. She thinks that timber cutting on private property is an agricultural use. She did not think forest management should be involved, but the word "may" is used not shall, so that was all right.

Dave Calhoon - Will people have to comply with this if timber is cut for a site for a house or road? Bell explained that it was 150,000 board feet or more that has to have a special use permit.

He had no problem with the amendment.

With no additional comments Greg Posta closed the public hearing on commercial logging and opened the public hearing on visual impact at 7:15 p.m.

### VISUAL IMPACT

Posta said public comment would be received after Ron Bell did a presentation on visual impact.

Ron Bell - Overview of Section 9 of the Land Use Code. Bell stated that the BOCC had granted monies for the County to hire technical expertise to support the planning commission for doing the visual impact study. The County chose Design Workshop of Aspen. They had worked with the County several years ago on a visual impact case that went to litigation. 1994  
consultant

The visual impact amendment would further define visual impact as written in the Master Plan. Bell explained that the Planning Commission uses the Master Plan for direction in their deliberations. The most recent Master Plan was written in 1985. There are numerous references in the Master Plan referring to visual impact. There are two major development objectives outlined in the Master Plan.

Bell went on to paraphrase parts of "County Development Objectives" "Foothills Zone," and "Visual Impact Considerations," to qualify the Master Plan as having a lot of emphasis on the visual issue.

Another item, was concern that because of the developing that is going on in the County that current code limits somewhat the application of visual impact so part of the discussion was of expanding that area that ought to fall under visual impact considerations.

The proposed Visual Impact is more objective in the description of what it is and how it is interpreted. That leads into administrative guidelines, examples of good and bad visual impact and offers technical support.

Bell went over some high points of the amendment to the code on Visual Impact, which did not include everything that is in the amendment at this point. He defined the

viewing corridor where visual applies concerning the current regulations and where it will apply with the proposed regulations.

Bell explained what some of the other changes are. Setbacks will change from 0 feet to 50 feet and building heights would go from 35 feet to 28 feet.

Bell stated at least two major items within the visual impact, screening and skyline, had quite a bit of time spent on them to try to work out something more workable.

The first one is screening. The current code has what is called a screening window. The code currently says that a structure, a home, within a current road that is under this, is subject to visual impact if the home is within a mile from the centerline of the nearest public road.

The window is defined as taking a perpendicular line from the center of the road to the center of the house and then going 300 feet each side of that perpendicular and that in essence becomes the viewing window, in the current land use code. If the home is up to 600 feet from the road it has to be screened 25%. From 600 feet to 1320 feet it must be screened 40%. This is basically in front of the home. Up to a mile it is back to 25% and then anything over a mile does not require any screening.

In the proposed regulation is a change in the screening window. The distance from the center of the road changes from a mile to a maximum of a mile and a half. Bell went on to explain how the proposed screening window would work and showed examples. Percentage of screening for the new regulations is if the structure is up to 300 feet from the road it requires 50% screening. If it is over 300 feet up to a mile it requires 70% screening. There are areas of the County that will be difficult to screen. Some examples are north and east of Ridgway. Recognizing that screening in this area with low vegetation and very little cover, etc., would be virtually impossible to meet the 70% screening factor. Another provision in the regulations is, if the cover is 90% of the area and vegetation is 4 feet high or less then there would be a 35% screening requirement. Another item is the proposal that the building height be reduced from 28 feet to 18 feet, where the vegetation is 4 feet high or less.

Ron Bell continued on by discussing the skyline regulations. The definition of skyline says basically where the sky meets the ground or trees. The strict interpretation of the current code says you can not break the skyline. He also said the skyline is effective for a mile and a half and there are multiple windows. All roads that are within a mile and a half of the structure, would fall into that viewing window. Within the code, another item that is required is a maximum of 40% screening on the structure. The code says the roofline cannot break the skyline.

Bell stated the Planning Commission took the suggestions from a wide range and the consultant made some suggestions and gave some good examples of other skyline issues in other parts of the state. The proposal now is instead of a mile and a half it increase to 3 miles and still is a multiple window. So, if there are several roads it will be done on several roads rather than just the closest. It is recognized that it will be virtually impossible on a lot of lots to actually put the roofline below the tree line. The proposal is to allow maximum 20 feet roofline exposure in the skyline as a total. The other is it has to be 95% screened or the maximum of 20% visible roof, which ever is less of the two.

Bell briefly went over the Visual Impact Guidelines Manual and how it would help administration and the public facilitate the process of visual impact.

Louie Wade

Asked what kind of trees would be adequate for screening. He does not agree with the screening proposal and feels that the County is dictating what to do with a person's property.

Cory Rapp

Rapp said that he was representing approximately 21 homeowners and they are confused and troubled by the whole concept of the proposed visual impact. He questioned why the County needs visual regulations when almost half of the County is state or federal property. Rapp feels that the County should go back to the basics. He feels that there will be financial ramifications to the taxpayers if the proposed visual regulations are imposed. He contends that the County is setting themselves up for many law suits. He suggested that visual could be attained by the use of construction materials that blend in with the surroundings.

Rapp went on to say that he feels that the power distribution lines and viewing utility poles are more of an impact on visual than houses. He noted that there is nothing in the revised amendment to deal with utilities and the fact that San Miguel Power is going from a single phase to a 3 phase system.

Rapp concluded that the County Planning Commission should not be more restrictive but should concentrate on those elements that really cause visual impact and hopefully these regulations will be more in line with the rights of the property owners and not put themselves into a position to be sued.

Burton Weese

Discussed the 18 foot building height and feels that will not work.

Bill Thompson

Thompson was skeptical of the proposed regulations. For the last couple of years the County has been delegating responsibilities to engineering companies for septic tanks and now for visual, instead of using our own County employees. This has put a burden on property owners through higher taxes. The new visual regulations will make some land unbuildable and penalizing the property owner that has paid a premium for the property for the view and being told they can not build there. There are approximately 30 homes on County Road 1 and 1A that violate visual impact, but they have been ignored because that is the only place to build. The rules should be equitable to everyone. The taxes and the building permit fees have been raised in the last few years and the County does less inspecting.

Austin Baer

Baer said he appreciated the investment that the Planning Commission has put into the visual regulations. Land values have been enjoyed because of the beauty of the area. He felt that most people do not look at the valley that much, they look up toward the mountains. People are elevated.

Baer said that perhaps the Planning Commission could explore other avenues to accomplish visual impact. Some of his ideas were through building materials, color of materials, etc. Baer has planted many trees at his residence and they have cost \$500 per tree. That is quite an expense if you have to plant very many to accomplish screening.

Baer is all in favor of visual impact rules.

Roxie Wade

Wade voiced his concerns about the proposed visual regulations being a taking. He feels that the current regulations for a regular PUD, which requires 25% open space, is also a taking. That is because that 25% can not ever be built upon. He gave an example of the property being bought for \$200,000 and 25% of this property went for open space, there would be a \$50,000 loss. He feels that all of this will create frivolous law suits. He said that the consumer's pockets were deeper than the County's when it comes to law suits. He also feels that set back requirements are also a taking.

Wade did not like the 18 foot height regulations because a person could never build a 2 story house.

Wade feels that we need less government and not more. He also feels that the County is violating the Colorado and US constitutional rights of the citizens of the County.

Chris Pike

Pike asked the Planning Commission if the 18 foot building height was in specific areas only and did the 35 foot height limitation still apply in the rest of the areas. Trujillo said that was true.

Pike said he lives in the foothills outside Ridgway and is very concerned about visual impact.

Pike referenced page 9 of the proposed amendment, section 9.45 part B. He felt that "covenants may be enforced " should be changed to "covenants shall be enforced. He says he sees the architectural committee not enforcing all of the covenants and maybe that is something the County wants to look at enforcing.

Pike also wanted to point out the seriousness of fires and setbacks. He said this was especially true on the escarpment. He had visited with Loghill Fire Department member Frank Starr. Starr stated to him that he would not send his fire fighters to the escarpment to fight a fire if there are no setbacks. With the upslope winds a fire spreads fast and if there are no setbacks and the fire department will not fight it, then people's dream homes would be lost. Setbacks are good.

Linda Ingo

Ingo stated that she felt that the 18 foot height restriction was unfair in the meadow lands. When they built their home they studied what was built historically in the area and found that to be two story homes. Having people stick to the 18 foot height building in the meadow lands will increase construction costs. People in the meadowland can not put in a basement because of the high water table, so they have no choice but to build 2 story homes.

Ingo said she was here in 1985 when the current visual regulations were enacted and was comfortable with them. She feels that the proposed changes have doubled everything and will change to the nature of the county. There will be trees planted where they have never been before and change to whole outlook of the area. Ingo asked that these new regulations not be adopted.

Michael Hehman

Hehman stated that he was not a developer or in construction or any of those types of businesses. He is a new property owner on the escarpment with a great view. He feels screening from the edge of the escarpment, on his property, would be difficult. All that is on the edge is rock and nothing will grow there. There are 40 foot trees about 100 to 150 feet from the edge that he could build his house against that would be adequate for the skyline. Screening a house from the edge of the escarpment would be almost impossible. You could build a very nice house that is 18 feet high. Most mobile homes are less than 18 feet high.

Trujillo replied that the intent was to follow the guidelines of the master plan and not make a house invisible.

Phil Mims

Mims said he has lived and paid taxes in Ouray County for about 3 years. He just recently bought Dave Hoey's house in Dry Creek and had planned to expand his living area by building upwards. With the proposal for housing height to be 18 feet it restricts him from doing this.

After reading the proposed document Mims felt that it was hard to interpret and understand. He felt that the Planning Commission should direct their thinking to meet the thinking of the people.

Mims does not think that the 18 foot height restriction should be adopted.

Diane Rapp

Rapp read a letter from David and Myra Wine who were not able to attend the meeting. The Wines were not in favor of visual impact as written. They feel that visual should be accomplished with building materials, not height restriction or building location. They also felt that utility distribution lines with 45 foot poles and 4 wires have a greater visual impact than a house 35 feet high as seen from 1 and 1/2 miles away.

The Wines added that since the Planning Commission were not considering health and safety issues that they should consider property rights of those who wish to build today and in the future. (See exhibit A)

Rapp voiced her personal feelings concerning the 28 foot height restriction. She and her husband have been planning a house and if they had to have the 28 foot restriction they would have to spread out more and cut down some of the trees that they are keeping by using the 35 foot height.

Larry Coulter

Coulter feels that an 18 foot high building in the meadow lands is impractical. Outbuildings for machines or horse barns have a 24 foot peak and the average building is 36'X40' with a 6:12 pitch, for them to function as an agricultural building.

Nancy Bradburn

Bradburn felt that the County was not getting the information out to all the property owners in the County. She said that approximately 50% of the property owners live here or receive the local papers. Sending out the survey and getting more information was a good start.

Danny Solomon

Solomon stated that he is a real estate investor and has purchased a large portion of the escarpment. He thinks that zoning is a positive regulation, but that the land should not be legislated out of use. He also says there should not be any more houses on the escarpment like the Sink's house. Houses like the Cheevers, Horner and Tif Haydens' meet spirit of what is trying to be accomplished.

Solomon went on to discuss the escarpment topography since that is the area that he knows. Part of the escarpment has flat shelf and then part of the escarpment is burmed up and comes down the hillside. When fire department or whoever talks about a 50' or 100' setback it is arbitrary because the topography changes. Solomon went on to give some examples of different houses and how visual was accomplished. Solomon feels that in the case of the escarpment and setbacks it should be on a case by case basis because of the changing topography.

On screening, the material and colors are more important than the amount that is screened. Solomon feels that the requirements are an overkill.

He stated that the existing regulations are not the clearest, but 9 times out of 10 it can be achieved.

Solomon is opposed to the setbacks, screening and height requirement. He also thinks that the circle for the roads for viewing windows is arbitrary.

Felix Marti

Marti said that the County should consider putting up stilts with boards at the angle of the roof. A person would then look at this from the different viewing windows and distance and get an idea before a house is constructed. Marti feels there is no rush to adopt these regulations and would be good to keep having discussion and getting more input.

Trujillo stated this was already being done.

Ralph Walchle

Walchle feels that the visual impact plan is too broad. He thinks that there should be more thought put into it. He also feels that the plan is too restrictive for agricultural buildings. It's tough enough to make a living ranching without having such restrictions for agricultural buildings.

Dick Allison

Allison stated he thinks that rights are relative to everybody that was in the room. When you buy a piece of property you hire an attorney to research the title, buy title insurance, spend a lot of time visiting with real estate agents and find out the contingencies of the property. After buying a piece of property, someone across from that property builds a shack that devalues the property, somebody is taking away rights. How is that any different from telling people they have to build something that is responsible to the overall citizenry of the County?

Allison feels that Felix Marti's idea is good. It is simple in its execution. It is relatively inexpensive and gives people a chance to participate and see what is happening.

Allison urged the Planning Commission to stay on course and that Ouray County should have to same high standards as the largest cities in the United States.

Barbara VanHoutte

VanHoutte and her husband bought lot 8 on the escarpment about 3 years ago. Recently they decided to buy another lot and put the escarpment lot on the market. After one month they had a contract on the parcel. The prospective owner brought his architect here from California. There was plenty of screening across the whole lot and the buyer had a house designed that would fit well. Then the buyer heard about regulations regarding the setback of the house. The Ouray County Building Official was contacted and told the buyer the house would not have to be set back more than 50 feet. The buyer then received a letter from the Official and was told that the house would have to be set back "at least 50 feet." VanHoutte explained that if the building is set back 50 feet it would almost be on Ponderosa Drive. Consequently they lost the sale because of the 50 foot setback.

VanHoutte concluded by asking at what point could the County impose restrictions that have not been adopted.

Brian Kolowich

Kolowich introduced himself and said he represented his brothers and sister who are the developers of Eagle Hill Ranch, which is one of the more visually sensitive developments that has been approved in Ouray County.

Kolowich stated that he drives down the highways during sunny days, snowy days, night time and except for the one house he cannot see anything. He feels that the code that was adopted in 1986 is enforced, which obviously it has, with one exception, did the job just fine. He thinks that no one on the Planning Commission or BOCC has adequately defined where the problem is. Wants the Commission to give examples of where the problem is, with the one exception pushed aside. What is wrong with the code that we have?

Generally the code we have takes into consideration the uniqueness of the property and each property is done on a case by case situation.

Kolowich said he feels the guideline manual prepared by Design Workshop, had some good ideas and should be used, but the rest of the manual be thrown out. The commission should listen to the people that have a vested interest in the County.

Kolowich concluded by saying to listen to the County residents and keep on using the code we have now and enforce it better. Does not see the problem with the current code.

#### Joann Shernoff

Shernoff stated that her understanding was the tree line was the skyline. She understands that the new definition of skyline is where the earth meets the sky. She feels that will be hard to do on her lot, because there is a space between the trees.

She said her lot on the escarpment is for sale and she is concerned whether she will be able to sell it considering the new visual regulations that are being proposed.

#### Weese

Weese is from Delta and said the way they handled a similar situation in Delta was to utilize a committee and to involve the community more in the process.

#### Jack Petrucelli

Petrucelli addressed the 18 foot height restriction in the valley floor. He went on to say that historically 2 story homes have been built, such as the Potter Ranch, the Zadra Ranch, etc. In Dallas Meadows the 3 story and 2 story homes with 1 story garages fit into the area better than 18 foot height would because they complement the mountains

behind them. They are also made of natural materials and colors and blend with the surroundings. The 18 foot height would create a subdivision more like the cities with all the homes being built the same and being the same height and very mundane..

Petrucelli stated that he feels that screening in the areas where trees, etc. are not common would have more of a visual impact than a house that blends in with the surroundings by using natural materials and colors for the area the house is being built.

Bernadine Endicott

Endicott stated that the majority of the land owners in the County are ranchers and farmers. She feels that many of the roads that have been added go by ranches and farms and they are not appropriate to have in the regulations. She is also confused as to what the Planning Commission is trying to accomplish.

On screening Endicott said if the fire department does not like people to plant trees close to a residence because it is a fire danger and if you try to plant trees where they do not normally grow it draws more attention to the structure.

Endicott says that the ranchers and farm owners need to get information out to them about visual impact. She feels that a great majority of the land owned in the County belong to the ranchers and farmers. They have no idea how these regulations will effect them.

Endicott feels that homes on the hills are beautiful. She likes looking out at night and seeing lights. She stated that there are some pretty dark nights.

In closing, Endicott asked the Planning Commission to take into consideration what is being said by the public and to take their time in preparing the final document.

John Trujillo told Mrs. Endicott that Bob Middleton is the agricultural representative on the board. Trujillo went on to tell Mrs. Endicott that the Planning Commission is very sensitive with the old ranches in the community. Trujillo also told her on page 1 of the proposed regulations that deal with mining and agricultural buildings are supposed to be exempt. He also stated it was the intent of the Planning Commission to have these exempt and that is the understanding of the Planning Commission and what they voted upon. It ended up in the code they would not be exempt if they were in the viewing corridor and that was not what the Planning Commission intended.

Endicott said they did not understand how many of these roads in the proposed regulations are farm land roads.

Trujillo said if that road goes through a farm or ranch and you build a home on it, it is not subject to these regulations if it is a farm or agricultural building. If it is a subdivision then it is another story.

After a brief explanation from Ron Bell on the upcoming county wide survey, the Public Hearing was closed at 9:45 p.m. by Chairman Posta.

Respectfully submitted by:

  
Carol K. Dunn  
Planning Commission Secretary

Minutes approved by:

  
Chairman

Date: 6/20/96

## MEMORANDUM

**To:** Ouray County Planning Commission  
**From:** Mary E. Deganhart, County Attorney *ME*  
**Re:** Regulatory Takings  
**Date:** May 4, 2011

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### I. BACKGROUND

The Chair and the Vice-Chair of the Ouray County Planning Commission have advised that there have been questions posed at Planning Commission meetings about takings and whether the expansion of the Visual Impact regulations may be considered a "taking". Chairman Ken Lipton requested that I provide a brief analysis of this issue.

### II. ANALYSIS

Ouray County, through its Board of County Commissioners ("Board"), is vested with statutory authority to regulate land use in the unincorporated areas of Ouray County. *See for example*, C.R.S. §30-28-101, *et seq.* (County Planning); §29-20-101, *et seq.* (Local Government Land Use Control Enabling Act); §24-67-101, *et seq.* (Planned Unit Development Act of 1972) and Colorado case law, "[T]he expressly delegated authority conferred on counties 'leaves no doubt that land use regulation is within the scope of a county's legislative power'." Wilkinson v. Board of County Com'rs of Pitkin County, 872 P.2d 1269, 1274 (Colo.App. 1993).

In other words, as relevant here, the Board is vested with broad authority to: "plan for and regulate the use of land within [its] jurisdiction." C.R.S. §29-20-102. More specifically, the Board has the authority to "(g) regulat[e] the use of land on the basis of the impact thereof on the community or surrounding areas; and (h) otherwise plan . . . for and regulate . . . the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights." C.R.S. §29-20-104 (1).

In general terms, it is recognized that a regulation or zoning which restricts an owner's right to use his property is a partial taking which is constitutionally permissible so long as it is reasonable. Service Oil Co. v. Rhodus, 500 P. 2d 807 (Colo. 1972). Both the federal and Colorado constitutions include takings clauses. The Colorado takings clause provides, in relevant part, "[p]rivate property shall not be taken or damaged, for public or private use, without just compensation." Colo. Const. art. II, § 15. A taking may be effected by the government's physical occupation of land or by regulation.

The law of takings is very fact specific and each case will be reviewed on its own merits and background. A few key points that should be noted, however:

a. Mere decrease in property value does not rise to a taking. This is true because a landowner is not entitled to the highest and best use of his property. See Animas Valley Sand and Gravel, Inc. v. Board of County Commissioners of the County of La Plata, 38 P. 3<sup>rd</sup> 59, 65 (Colo. 2001).

b. The level of interference a government regulation causes must be very high in order to sustain a claim of a taking. *Id.*

c. Even a significant reduction in the value of land may not amount to a taking. *Id.* at 65-66.

d. A taking does occur when all economically viable use of a parcel of land is prevented by a regulation; however, even if some value remains, it may still be a taking if the regulation goes "too far". *Id.* at 65.

e. In at least one case, where the value of land was diminished by over ninety-three percent, the Court required that a more fact specific inquiry was required to determine if the regulation has "gone too far" and amounted to a taking. *Id.* at 66. See Palazzolo v. Rhode Island, 533 U.S. 606, 121 S. Ct. 2448, 2457, 150 L.Ed. 2d 592 (2001).

f. Landowners cannot establish a takings claim "simply by showing that they have been denied the ability to exploit a property interest that they heretofore had believed was available for development. . . ." See Animas Valley, fn 7.

### III. CONCLUSION

The Board is vested with authority to regulate land use in Ouray County and visual impact has been regulated in Ouray County for twenty-five years. Based upon the current state of the law on regulatory takings, I believe that it is unlikely that a successful inverse condemnation claim could be sustained against Ouray County based upon an expansion of the application of Visual Impact regulations. While some landowners may argue that such expansion will devalue their property or their use of their property may be impacted, it is unlikely that it would rise to the level of diminution in value that the courts have required. Similarly, it is possible that the converse may be true – that property values will be increased because of the expansion of these regulations; the parcels of property that are now impacted by the current visual impact regulations are among the most highly valued in Ouray County.

Certainly as this process moves forward it is wise to be cognizant of the law of takings and whether certain proposed changes may "go too far". If you have questions or need additional information, please feel free to contact me.

Few words possess the precision of mathematical symbols, most statutes must deal with untold and unforeseen variations in factual situations, and the practical necessities of government inevitably limit the specificity with which legislators can spell out prohibitions. Consequently, no more than a reasonable degree of certainty can be demanded. . . . Moreover, we have never mandated that every word or phrase be specifically defined. To the contrary, we have stated that 'the legislature is not constitutionally required to specifically define the readily comprehensible and every-day terms it uses in statutes'. *Pizza v. Wolf Creek Ski Development Corp.*, 711 P. 2d 671, 676. (Colo. 1985)

**TAKINGS  
L\*A\*W**  
*In Plain English*

**Christopher J. Duerksen**

**Richard J. Roddewig**

**With a Foreword by the Honorable Randall T. Shepard**

**Chief Justice, Indiana Supreme Court**

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**FOREWORD**

AT THE VERY beginning of our nation, Americans decided that the enjoyment of our property was among the most important rights possessed by citizens.

Just as the Declaration of Independence announced that life, liberty, and the pursuit of happiness were the birthright of us all, the Bill of Rights guaranteed us freedom of speech, freedom of religion, and, yes, freedom from interference with our homes and neighborhoods. The Fifth Amendment in the Bill of Rights promises that government may not take our land for public purposes without paying for it.

Over the generations, Americans have joined forces time and time again to build clean, safe and prosperous communities and to protect our enjoyment of them. The fishermen who seek to save a river full of great bass, the neighborhood association which works to revitalize the area's historic homes, and the activists who strive to give us cleaner air--all have the need and the right to use the legal tools which can keep our nation a decent and healthy place.

In modern times, these common efforts at building better communities are often under assault from those who seek only individual advantage. Most Americans see the Fifth Amendment as a shield protecting us from government overreaching. Others seek to use it as a sword, a weapon against efforts to conserve what is special about this land.

Americans who are committed to building better communities must understand the role of law and the takings clause of the Fifth Amendment if they are to be effective builders. Unfortunately, the legal thicket of explanations by the U.S. Supreme Court and other courts is difficult to access and harder to master. Moreover, there has never been a shortage of misinformation about the meaning of this critical piece of our legal history.

Christopher Duerksen and Richard Roddewig, two of the most able people in this field, provide in this book the keys to understanding the legal history and its import for modern Americans. People who take the time to absorb this straightforward explanation of the law of takings will assuredly be better prepared to protect what is special in our nation.

Randall T. Shepard

Chief Justice, Indiana Supreme Court

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## TAKINGS LAW IN PLAIN ENGLISH

Christopher J. Duerksen  
Richard J. Roddewig

### EXECUTIVE SUMMARY

As discussed in further detail in this publication, the courts have laid out a number of general principles that should be kept in mind by those wishing to understand the law of takings:

- No one has an absolute right to use his land in a way that may harm the public health or welfare, or that damages the quality of life of neighboring landowners, or of the community as a whole.
- Historical precedent and recent case law make clear that reasonable land use and environmental regulations will have little trouble withstanding constitutional scrutiny in the vast majority of cases. Only in rare instances will such regulations be deemed so onerous as to effect a "taking" under the Fifth Amendment to the U.S. Constitution, which holds that private property shall not be taken for public use without just compensation.
- Courts have outlined several broad factors to be considered on a case-by-case basis in determining if a taking has occurred, including: the economic impact of the regulation on the property owner; the public purpose for which the regulation was adopted; and the character of the government action. Generally, a regulation will be upheld if it (1) furthers a valid public purpose; and (2) leaves a property owner with some viable economic use of the property.
- Property owners have a right to a reasonable return or use of their land, but the U.S. Constitution does not guarantee the most profitable use.
- Courts have upheld a wide variety of purposes as valid reasons for enacting environmental and land use regulations--including pollution prevention, resource protection, historic preservation, design controls, and scenic view protection.
- Communities can legitimately insist that development pay its own way. Land dedications or mandatory exactions are valid, assuming that they are adopted to respond to the demands created by the project.
- Before a landowner or developer can bring a lawsuit to claim a taking, a development plan must be submitted for review and all administrative avenues of relief must be exhausted.
- The focus of the takings inquiry continues to be on the *entire* property interest. A severe adverse impact of a regulation on one portion of the property or ownership interest will not amount to a taking if the property as a whole continues to have a reasonable economic use.
- On the rare occasion that a taking is found to have occurred, the community does not have to buy the entire property. Damages are payable only for a temporary taking for the period in which the regulations were in effect. Generally, the measure of damages will take into account the difference in value of the property without the offending regulations in place and with them, an appropriate interest rate to be applied for the temporary loss of value, and the length of time the regulations were in effect.
- As part of legislation, lawmakers should include an administrative process that allows those who

administer the law to consider the specific effect of the law on an individual landowner, and--consistent with the interest of the public being protected--afford an administrative relief process for undue economic hardship.

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## I. AN OVERVIEW OF TAKINGS LAW

*"... nor shall private property be taken for public use, without just compensation."*

WITH THESE FEW words, the framers of the United States Constitution enshrined in the Fifth Amendment one of the most fundamental of individual rights--to own property free of the threat of seizure by government, unless the government pays for it. This basic property right was derived from 17th and 18th Century English legal tradition that prohibited the king from taking a subject's property except by a duly enacted law of the land and with full indemnification.

Historical records show that what the drafters of the Bill of Rights had in mind when they adopted the "just compensation" or "takings" clause was to permit the government to take private property for public use--for example, land needed for a public highway--but only upon payment of compensation. Today, we call this government action exercising the right of eminent domain or condemnation. Thus once again, the framers demonstrated their genius in balancing the rights of the individual with the clear need of the people--government--to undertake public projects for everyone's benefit. It is hard to imagine how the nation could have grown or society would have functioned without the ability to judiciously exercise the power of eminent domain to build roads, dams, parks, and other projects. Indeed, hardly any reasonable person would quarrel with that notion.

How then has the just compensation clause of the Fifth Amendment become the center of a controversy that lawyers like to call the "takings" issue--which has little to do with the actual seizure of property or exercise of the power of eminent domain as our forefathers understood it?

**Historically, a corollary of the right to hold property has been a duty to refrain from using it in a manner that would cause harm or injury to neighboring landowners or the general public.** Because the use of land invariably affects neighbors and the community health and welfare, *absolute* use has never been considered a protected property right.

This principle is exemplified in numerous decisions of the U.S. Supreme Court, and the high courts of the individual states. To cite just one example, in 1908 the Maine legislature asked the Maine Supreme Court whether the state could regulate the cutting or destruction of trees on private land for a variety of environmental purposes, including erosion control, without paying compensation. Focusing on the goal of the legislation to prevent use of private property that would be injurious to citizens generally, the court affirmed the authority of the state to adopt the law, quoting the following language from earlier decisions of the U.S. Supreme Court:

We think it a settled principle, growing out of the nature of well-ordered civil society, that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that use of it may be so regulated that it shall not be injurious....to the rights of the community." *In re Opinion of the Justices* (Maine 1908).

These types of enactments raised the question to what extent government can *regulate* the unbridled use of private property to protect the public health and the investment of neighbors and the community without having to pay a landowner to refrain from certain undesirable activities. By judicial decision in

1. The Ouray County Master Plan requires that the county "maintain strong visual impact regulations" to protect visually significant and sensitive areas. Do you support visual impact regulations as required by the Master Plan? [Create Chart](#) [Download](#)

	Response Percent	Response Count
Yes 	87.0%	47
No 	11.1%	6
Not sure 	1.9%	1
answered question		54
skipped question		0

2. Do you think that requiring "blending" will help make homes less conspicuous? [Create Chart](#) [Download](#)

	Response Percent	Response Count
Yes 	84.9%	45
No 	9.4%	5
Not sure 	5.7%	3
answered question		53
skipped question		1

3. Section 9 Visual Impact Regulations are currently applied only on few roads. Should regulations be applied consistently and equally throughout the County? [Create Chart](#) [Download](#)

	Response Percent	Response Count
Yes 	72.2%	39
No 	20.4%	11
Not sure 	7.4%	4
answered question		54
skipped question		0

5. Do you believe the proposed Tier 1 Process would provide a simpler and faster approval process for those people who want to build a modest home in Ouray County? [Create Chart](#) [Download](#)

	Response Percent	Response Count
Yes 	74.1%	40
No 	14.8%	8
Not sure 	11.1%	6
answered question		54
skipped question		0

6. Do you believe the proposed Tier 2 Process would provide flexibility and individuality in design, for those who do not pursue the Tier 1 Process? [Create Chart](#) [Download](#)

	Response Percent	Response Count
Yes 	69.8%	37
No 	11.3%	6
Not sure 	18.9%	10
answered question		53
skipped question		1

[Should regs be applied consistently & equally throughout the county--]Why/Why Not?

- |  |  |   |
|--|--|---|
| 1. yes, preservation of visual beauty is important throughout the whole county, not just on few roads.   |  |   |
| 2. preservation of visible beauty within the county should not be restricted to just a few roads   |  |   |
| 3. all county #d roads is not equally throughout the county there are a lot of other county roads - we have enough scenic corridors  |  |   |
| 4. treat all areas the same—don't favor one over the other   |  |   |
| 5. In general Sec. 9 has helped. County staff and attitudes can be inconsistent. Some roads run through very sparse vegetation; required screening might be very difficult -water issues may be present.   |  |   |
| 6. fairness and consistency  |  |   |
| 7. variations in topography and vegetation make this impossible  |  |   |
| 8. County should strive to minimize visual impact for all residents on all roads throughout the County.  |  |   |
| 9. I think it's important to have the regs apply throughout the county, but only for homes that potentially break the skyline. In other words, not every structure.  |  | 26. the whole county should be protected not just the roads the tourists are taking to go through the county  |
| 10. Fair and consistent regulation; uniform appearance of County; many visual corridors—entire County is scenic.   |  | 27. why would we only apply such an important set of rules to a limited # of roads?   |
| 11. By having consistent rules throughout the county, everyone will be on the same page as to what exactly is required to conform to the visual impact regulations no matter where they live. Consistent rules will help home owners and builders know what standards they must meet rather than be unsure if the regulations do or do not apply to their area. The same regulations for the entire county will also make it easier for county staff to assess whether or not home owners are in compliance. |  | 28. The area is growing so more areas are "seen", that is we are being visually impacted by more areas  |
| 12. Yes, so that everyone knows the rules and regulations no matter where they live in the County.   |  | 29. as the county grows these areas will become a common part of the extended visual corridor   |
| 13. What is good for the goose is good for the gander  |  | 30. The county has many areas of disparate topography - and uses - a one-size fits all approach won't work  |
| 14. AS THE COUNTY GROWS THERE IS MORE USE ON ALL COUNTY ROADS  |  | 31. consistent policies throughout  |
| 15. Current corridor protect major ridges in classic ridge/valley view corridor. All of county cannot be regulated in one wa with on-size-fits-all rules. Problems will result.  |  | 32. The whole county has scenic resources that should be protected; basic fairness to all property owners   |
| 16. a can of worms that will require to much subjective decisions by Land use staff  |  | 33. consistency   |
| 17. because it will make it more difficult for building site location on a given parcel. May force building on a more visually sensitive site.   |  | 34. current road designations are sufficient!!  |
| 18. fairness   |  | 35. The views from all the significant roads are important and being fair to all the county is very much an American value.   |
| 19. The original idea was to not break the tree line along the escarpment. We are now damaging property rights county wide with this proposal!   |  | 36. less subjective, greater coverage   |
| 20. No roads should be in visual corridors. You should not mandate your own taste!   |  | 37. some numbered county roads are not commonly driven except by those who live there. example is North CR1A which dead ends (hope it always will). Should not be included. |
| 21. need more info   |  | 38. To keep a uniform broader area within the Master Plan - create a more fair broader paint brush "effect" across the county   |
| 22. County roads may be main roads in the future. All should comply.   |  | 39. to achieve fairness to all  |
| 23. For fairness and to guarantee preservation of natural, uninterrupted views THROUGHOUT the county   |  | 40. To assure equal treatment of all involved property owners   |
| 24. Currently not a fair process. All numbered roads should be included per the new plan.  |  | 41. The numbered county roads are heavily used and visual impact is important to those who live on them   |
| 25. consistent regulations make GOOD sense   |  | 42. all numbered county roads equally when and if possible  |
|  |  | 43. It will create a lot of complexity and subjectivity   |
|  |  | 44. appease property rights folks by not increasing affected properties, but improve code for current area  |
|  |  | 45. understand attempt to be fair; even those not in corridor have neighbors; if someone has 40 acres maybe not?  |

## What is single most important positive you see in the proposed new visual impact regulations?

1. expansion of view corridors
2. expansion of the view corridors
3. nothing
4. blending makes more sense than a point system
5. Clarity and methods for enforcement. Perhaps county bldg. inspector will have fewer judgement and subjective calls.
6. it will protect the very essence of this area which is the main reason we are here!
7. the concept of blending
8. It creates a consistent set of regulations that can be fairly administered.
9. The "potential" for a simpler, streamlined process for determining (and mitigating) visual impact.
10. Preservation of scenic beauty of County; cannot be regained if lost; central to the County's identity and value; central to maintaining property values.
11. Expanding the visual impact regulations to major county roads in addition to US550 and SH82 so that there is a consistent standard throughout the county.
12. Maintaining the beauty of our environment while coexisting with it in a way that enhances the surroundings not distract from them.
13. More clear and concise language. Less ambiguity = less wiggle room (abuse)
14. Protecting the view corridors in both the valley floors as well as the sub alpine and alpine areas.
15. Preservation of Ouray County's Natural Environment and Beauty which DEFINE us from everyone else
16. Opening the dialogue and engaging the public in the process
17. It takes an already good idea and extends it to the rest of the county and not just in select places.
18. Visual impact is the most valuable asset that Ouray County possesses. The new regs make the process clearer and easier to work with.
19. NONE
20. no improvement
21. blending of structures
22. There are no positives
23. NONE!
24. flexibility - eliminating point system
25. blending and screening is paramount - maybe more important is the 1.5 mile. Get rid of of the current system
26. less subjective
27. Blending and prevention of intrusive structures and simplicity of regs
28. eliminates the very subjective point system
29. It protects the beauty of this area in a fair and consistent manner
30. the blending concept
31. keeping the visual corridor beautiful while keeping the regs simpler!
32. not knowing difference between new and existing I'd say - enforcement. It seems in the past and perhaps even now is an issue which relates to the process.
33. minimize visual impact of buildings
34. assured blending and reduced visual impact
35. simplification (if that is the case) is always good
36. consistent visual impact policies throughout the county
37. application of the regulations throughout the county instead of just a few view corridors
38. blending and screening
39. if it makes it easier, that is important
40. Making a visual impact system that can work
41. maintain scenic beauty
42. well defined appeal process
43. It seems simpler, more objective, more obvious means of following the Master Plan
44. improvement in the views
45. inclusion of additional roads as scenic corridors
46. They are more objective and specific
47. maintaining and improving visual impact regulations
48. The Guide Book is a good idea
49. blending as a requirement
50. no more Doug Stoen houses

## What is single most important negative you see in the proposed new visual impact regulations?

1. no big negatives
2. no big negative, but the increase in ridgeline/escarpment setback from 50'-200' might be a little bit drastic
3. everything
4. some tend to oppose any change, even if it probably makes it better for them too
5. I see no negatives.
6. the problems I've seen with the visual impact regs didn't result from deficiencies in the regs, but inconsistent enforcement of the regs
7. Not all lots allow for natural blending, for example flat meadow land without trees
8. it's still too complex.
9. The usual problem with any regulation: they have to be understood and enforced consistently
10. I don't see anything negative about the new visual regulations. I would like to see them enacted as they will help us preserve what we all believe is special about Ouray County: i.e. its scenic and pristine beauty.
11. None
12. Acceptance by the citizenry - resistance to change
13. There will be some property rights issues from those who do not care what others have to look at. It will become an aesthetic issue. Hard to control.
14. It may be complicated to administer because of subjectivity required in some cases, e.g. blending.
15. Creating more subjective, less flexible rules mandatory blending and due to topographic variables creating skyline issues and limiting siting options. Arbitrary setback will negatively affect property values.
16. all of it
17. taking of private property rights
18. Tier 1 appears to apply to non-conforming lots of any size
19. I believe these are unconstitutional restrictions on property rights
20. violation of our constitutional rights!
21. I realize that variances cannot be considered but if I owned an escarpment lot it would seem that property values would be reduced. Would lower values be reflected by lower property taxes?
22. proposed regulations not tough enough
23. public misconception
24. don't see any
25. That Tier 1 applies to both conforming and non-conforming lots
26. Tier 1 appears to equally apply to conforming and nonconforming lots
27. that you don't have a limit on size for Tier 2
28. tier 2 could be abused and result in inconsistent application
29. NONE
30. a costly expansion of local govt. - you cannot legislate taste!
31. does not apply to mining structures - they will be located in our most sensitive areas
32. structure size unlimited
33. more regulations that are not needed
34. The highlighted incomplete sections
35. public misunderstanding and misrepresentation
36. reduction in value of property (vacant lots) noted that proposal no longer considers preservation of property values important. This is wrong! BOCC must protect property rights and values.
37. letting mining buildings be exempt - new "mining" claims could have private housing
38. some public reaction against
39. the panic from people that don't listen
40. Including all the roads
41. taking in all numbered roads
42. not sure

## Other comments/suggestions/questions:

1. It is truly amazing and ironic that the BOCC is so focused on keeping visual impact regulations strong (even making them stricter) while at the same time allowing the biggest visual impact violation in Ouray County - an 80 ft tower - to be built in one of the main view corridors (Log Hill Mesa Escarpment) Talk about breaking the skyline!! This controversial tower will also be allowed in a residential subdivision with covenants and will have a negative impact for years to come.
2. The proposed 80' + town will probably break every visual impact rule (old or new) and will haunt the county forever. Too bad this tower can't be placed in a much more obscure area such as along the escarpment west of Log Hill Village and County Rd 1.
3. this is the most one sided survey I have seen. the questions are leading and only help to prove your vision not the majorities.
4. preserve the ridgelines and escarpment -don't break skyline! move back from edge--people will still be able and will have views.
5. I think it was a mistake to use 200 feet as the possible set back measurement. It should have been kept more flexible since it gave the 'opposition' a target to shoot at during the hearing.
6. the regs are fine. They could use a little refinement, perhaps, but the two tier system will create more problems than it solves.
7. Keep up your efforts on this difficult process. It will pay huge dividends in the end!
8. None
9. The way this survey is designed makes it hard to disagree with any of the points.  
I think the Commissioners are on the right track, though!
10. Is there a County Ordinance or Law that prohibit someone from constructing a structure and blocking an existing structure's view of a significant landscape?
11. I think we should work with current code (which has good results over the years), not expand skyline corridors but discuss tweaks to point system. Possibly include blending/screening/distance balance on a broader scale than currently exists--using a modified point system.
12. I think that this is one of the things that is unique and makes this a great place to live. We are not turning our living space into a junky place to live.
13. BOCC should stick with the existing zoning regulation - avoid getting into subjective visual impact regulations.
14. patience
15. This is awful as to 1. process, 2. restrictions, 3. unlimited discretion for bureaucrats!
16. who do you think you are? what gives you the right to impose your "world view" and personal taste/values on the rest of us? This is your "personal religion" - don't use the government to try to impose your "religion" on the rest of us! You are stealing our rights piecemeal and I have had enough!!!
17. Thank You! Tier 1 home should be measured from above ground sq. ft. underground invisible part of structure should not be counted against tier 1 home when measuring square footage.
18. should note that areas recently incorporated like the Town of Ridgway are NOT subject to this
19. please don't make existing lots non-buildable. I don't think this proposal will do that.
20. Bravo to the BOCC for your tireless work and vision!!
21. Thanks for all your hard work.
22. please make certain that we protect dark skies!
23. It is great this is happening and the public is given the opportunity (actually encouraged) to partake.
24. how does this proposal affect existing covenants in PUDs where building sizes are larger than tier 1? or where covenants conflict with new requirements that weren't in effect when ...
25. great work, keep it up
26. Great work!
27. thank you - this is a big job
28. please don't allow further regulations control county
29. significant remodels clearly need to be included. The use of data in the presentation to attempt to provide a sound base for decisions rather than just emotions was outstanding.
30. Appreciate the Town Hall early on.
31. The BOCC is definitely on the right track - keep it up!
32. Lynn Padgett's presentation was excellent. I don't understand how people can not see clearly what we must preserve.
33. thank you for your efforts to maintain the natural beauty of the area

1. Achieve the goal, objectives, and policies stated in the Master Plan –

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	Response Percent	Response Count
1 <input type="radio"/>	10.9%	6
2 <input type="radio"/>	1.8%	1
3 <input type="radio"/>	3.6%	2
4 <input type="radio"/>	10.9%	6
5 <input type="radio"/>	72.7%	40
answered question		55
skipped question		1

2. Minimize visual impact of individual structures through blending with the natural environment –

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	Response Percent	Response Count
1 <input type="radio"/>	12.5%	7
2 <input type="radio"/>	3.6%	2
3 <input type="radio"/>	3.6%	2
4 <input type="radio"/>	7.1%	4
5 <input type="radio"/>	73.2%	41
answered question		56
skipped question		0

3. Minimize visual impact of development as a whole --

[Create Chart](#) [Download](#)

	Response Percent	Response Count
1	8.9%	5
2	3.6%	2
3	7.1%	4
4	10.7%	6
5	69.6%	39
answered question		56
skipped question		0

4. Balance the right-to-build and private property rights while maintaining scenic values county-wide --

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	Response Percent	Response Count
1	7.3%	4
2	7.3%	4
3	5.5%	3
4	23.6%	13
5	56.4%	31
answered question		55
skipped question		1

5. Provide a simpler process option than in the current visual impact regulations --

[Create Chart](#) [Download](#)

	Response Percent	Response Count
1	18.4%	9
2	3.6%	2
3	12.7%	7
4	25.5%	14
5	41.8%	23
answered question		55
skipped question		1

6. Provide a more clearly flexible option to assure blending while allowing for freedom in design –

Create Chart Download

	Response Percent	Response Count
1 <input type="checkbox"/>	7.3%	4
2 <input type="checkbox"/>	5.5%	3
3 <input type="checkbox"/>	9.1%	5
4 <input type="checkbox"/>	30.9%	17
5 <input type="checkbox"/>	47.3%	26
answered question		55
skipped question		1

7. Provide a clear appeal process –

Create Chart Download

	Response Percent	Response Count
1 <input type="checkbox"/>	3.7%	2
2 <input type="checkbox"/>	0.0%	0
3 <input type="checkbox"/>	14.8%	8
4 <input type="checkbox"/>	25.9%	14
5 <input type="checkbox"/>	55.6%	30
answered question		54
skipped question		2

8. Ensure blending with the natural environment –

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	Response Percent	Response Count
1 <input type="checkbox"/>	9.3%	5
2 <input type="checkbox"/>	3.7%	2
3 <input type="checkbox"/>	1.9%	1
4 <input type="checkbox"/>	9.3%	5
5 <input type="checkbox"/>	75.9%	41
answered question		54
skipped question		2

9. Exempt buildings exclusively used for mining and agriculture –

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	Response Percent	Response Count
1	18.1%	9
2	14.3%	8
3	30.4%	17
4	7.1%	4
5	32.1%	18
answered question		56
skipped question		0

10. Gain broad and informed community input throughout the revision process –

Create Chart Download

	Response Percent	Response Count
1	1.8%	1
2	0.0%	0
3	5.5%	3
4	30.9%	17
5	61.8%	34
answered question		55
skipped question		1