

QUESTIONS ON HIGH ALPINE REGULATIONS LAND USE STAFF RESPONSE

Specific concepts/elements the BOCC desires a recommendation on –

- A. Definition of High Country and applicability:
- E.g. -- recommendation on if the definition of High Country and any specific residential development restrictions should apply to residential development on patented mining claims and mill sites in the high country of Ouray County at or above an elevation of 9,500' within Ouray County or if Planning Commission (PC) recommends a different definition or applicability.
 - **Staff Response – No recommended change. If this is going to change to a lower elevation, this needs to happen sooner rather than later in the process.**
- B. Should Ouray County have any restrictions or limitations on residential use and residential structures in the High Country? The elements the BOCC is interested in getting a recommendation on from the Planning Commission, identified in one or both of adjacent counties' codes are:
- Should Ouray County have a minimum parcel size of 5 acres to qualify for a site development/building permit for a residential structure in the High Country?
 - **Staff Response – No opinion.**
 - Should Ouray County require a maximum density of 1 unit (no Accessory Dwelling Unit) on patented mining claims and mill sites in the high country of Ouray County at or above an elevation of 9,500'? Should this limitation exist county-wide?
 - **Staff Response – Yes and No.**
 - Should Ouray County require additional minimum setbacks in the High Country so that they are the same as 35-acre conforming parcels throughout the county? [reference - Ouray County Land Use Code Section 3.85b]
 - **Staff Response – 1. The allowance for reduced setbacks for lots of 2 acres or less in the Alpine Zone should remain. (ie. 10' side/back, 25' front) Also, reduced setbacks could be allowed if needed in order to mitigate an issue on the parcel such as drainage, tundra, visual impact, etc.**
 - Should Ouray County require residential development to demonstrate that the project has been designed in a manner that will protect and minimize impacts to important historic (historic building, town site, mining district, cultural) or environmental features of the site (such as timber, plants, wildlife, drainages,

wetlands, geologic features)? If so, can it be accomplished with the KISS principle in mind?

- **Staff Response – This is already part of the Site Development Permit process. May want to modify to include historic structures. Note: Staff is not an expert in these areas. If we do a site review and identify a possible issue, either the County or the property owner needs to bring in an expert in the specific field to make a final determination.**
- Should site development protect existing public trails (i.e. prevent obstructions such as driveways crossing the trails, fencing obstructing the trails, or structures being located so as to maximize a buffer to trails)?
 - **Staff Response – Possibly consider “encouraging” this but requiring it may have unintended consequences. Also, this highlights a separate issue; Staff believes that a general site plan should be part of the site development permit process. The site plan would become part of the site development permit and would be recorded.**
- Should Ouray County require primary access to residential development be through an Ouray County Road or State Highway vs. access having no nexus to public roads within Ouray County?
 - **Staff Response – Possibly require notice to appropriate jurisdictions but not prohibit. This could have unintended consequences.**
- Should require adequate parking for the proposed residential use on-site in the High Country? Should this requirement exist county-wide, so that any Ouray County development will not rely on property users to park on County Roads?
 - **Staff Response – “Adequate parking” may not really be the issue. If this issue is parking in the county ROW, then this issue needs to be addressed in a different fashion. ie. Model Traffic Code, or similar...**
- Should Ouray County require utilities for High Country residential development to be installed in ways that minimize impacts to environment and scenery? [One adjacent county requires features to be installed underground or placed within structures]. Should Ouray County restrict placement of fuel, water tanks, generators, etc. to be located within a structure or be put underground?
 - **Staff Response – This is fine, no concerns.**
- Should Ouray County require High Country residential buildings to blend with the natural surroundings?
 - **Staff Response – Is this everything? In other words, does this go beyond Visual Impact reg’s and addresses all structures, whether or not they are visible from the highway? Other than that clarifying question, Staff has no opinion.**
- Should Ouray County restrict square footage of High Country residential dwelling units to 1,000 square feet? Should Ouray County restrict square footage of High Country residential dwelling units to 1,000 square feet, with the ability to earn potential bonus 500 square feet if certain incentive conditions are met, such as in San Miguel County, up to 2,500 square feet? [For reference, examine San

Miguel County code, San Juan County code and previous Ouray County proposed Section 30 draft.]

- **Staff Response – Some sort of restriction makes sense. In addition to looking at the codes from the adjacent jurisdictions we should take strong look at how this issue was addressed in Section 30.**
- Should Ouray County eliminate all residential buildings within the tundra ecosystem? Or are existing code and site development permit considerations adequate for protection of tundra and watershed health?
 - **Staff Response – No real opinion here. We do need some way of identifying what is “tundra”.**
- Should Ouray County require a Special Use Permit (SUP) if building is a vacation rental or commercial use to require as conditions of use adequate parking (off county roads), trash, water, sanitation, cell/satellite service, and emergency access? [For reference, see Ouray County notes on a potential county-wide ordinance on regulations for short-term/vacation rentals]. Are there regulations for short-term rentals that should be different for High Country development than county-wide?
 - **Staff Response – The BOCC is currently addressing short-term rentals. All other commercial or quasi-commercial uses are adequately addressed in zoning and Section 5.**
- Should Ouray County restrict or ban residential development in the High Country that results in an increased demand for public services (plowing/county road maintenance, emergency response, etc) beyond what is currently provided by the County?
 - **Staff Response – Technically this would ban any/all development. Makes sense to put various processes (ie. more than 1) in place to notify property owners that services will not be expanded and are limited to non-existent in these areas.**
- Should Ouray County restrict High Country driveway or private road cuts in a manner to make them subject to review to ensure they are designed to minimize impacts to environmental and scenic values? If so, can it be accomplished with the KISS principle in mind?
 - **Staff Response – Probably a good idea but will be difficult to implement at current staffing levels.**
- Should Ouray County restrict High Country residential driveway widths to 10 feet? Should Ouray County restrict blasting to create residential driveways in the High Country?
 - **Staff Response – 10’ could severely restrict EMS vehicle access. No opinion on restricting blasting for driveway installation.**
- Should Ouray County consider have more restrictive building height requirements for residential development within the High Country? [currently buildings county-wide can be up to 35 feet high; for reference see adjacent San Miguel County code that limits High Country buildings to 12 to 20 feet high]

- **Staff Response – Limitations make sense. Suggest looking at Section 30 draft.**
- Should there be referrals to any County or State/Federal agencies that are specific to High Country residential development?
 - **Staff Response – Makes sense if applicable to the specific project.**
- Should there be any reference exhibits to any potential new code or permit applications?
 - **Staff Response – Yes. If we go with the “9,500’ or above” then that line needs to be identified on a County-produced map. Will need to provide Land Use Staff with a GPS unit that has a geo-referenced map installed.**

Note: The BOCC is in consensus that 9,500’ elevation should be as referenced in the latest published 24,000 USGS quadrangle

General Notes:

- Site Development Permit process should be revised to require a site plan showing the general location of the proposed driveway and any proposed structures. The site plan approved as part of the SDP process would be recorded with the SDP and would become part of a future building permit application.