

**Ouray County Planning Commission**  
**Report to the Ouray County Board of County Commissioners**  
**July 6, 2016**

This report includes Planning Commissioner responses to all BOCC questions itemized in BOCC Resolution 2016-018 plus all public comment at the June 7, 15 and 21, 2016 planning commission workshops. It also includes Planning Commission discussion on issues that arose during discussion of the 18 BOCC questions and review of the draft Section 24. Due to the challenging schedule, the Planning Commission did not have sufficient time to resolve all issues. Therefore, this report also includes recommendations for topics for further consideration by the BOCC during their workshops and public hearing.

**FOR PC DISCUSSION ON JULY 6, 2016**

- Definition of tundra
- Discussion of how/whether to align residential and commercial size restrictions
- Discussion of density, size and setbacks of commercial structures - how do they apply to non-mining commercial uses?

**ADDITIONAL INFORMATION REQUIRED:**

- Patented mining claim parcel information (size, location, **ownership**) by elevation, i.e., 9500'-11,000', 11,000'+.
- Private parcel (non-patented mining claim) information (size, location, ownership) over 9500'.
- **RECOMMEND** presentation by County Attorney (already given to PC and public during our workshops) on patented mining claim formation, surface rights versus mineral rights, senior versus junior rights. Graphics would be helpful.
- **RECOMMEND** presentation by County Attorney regarding "takings" and remaining viable use on all patented mining claims.

**PLANNING COMMISSION RECOMMENDATIONS TO BOCC REGARDING ISSUES NOT RESOLVED**

1. PC was unanimous in need for thorough analysis of avalanche hazard as in San Juan's code. **RECOMMEND** adding to Site Development Permit process rather than putting in land use code as San Juan County has done.
2. **RECOMMEND** review of uses allowed by special use permit in the Alpine Zone for possible elimination of uses in the High Alpine overlay which are not consistent with small seasonal cabins and recreational uses and are consistent with the purpose. There may be uses which may be appropriate below the tundra but are not appropriate in the tundra. The PC does not want to exclude commercial "ski chalets", mountain hut systems or small B&Bs catering to backcountry skiers at or above 11,000' so long as they are not in the tundra.
3. **RECOMMEND** review of retirement of development rights in exchange for additional square footage for residential dwelling unit. Should the retired development right be contiguous to the parcel on which the residential structure is proposed? Or could parcels in different areas, e.g., Yankee Boy Basin versus

Red Mountain, be used? We assumed that a "developable parcel" would be at least 5 acres and meet all the other requirements. Given a 5 acre minimum, all parcels less than 5 acres would not have a development right. Consider whether consolidation of small parcels into a developable parcel would be considered retirement of development rights and allow additional square footage. Consider whether non-contiguous parcels <5 acres but originally part of the same mining claim could be "consolidated" for purposes of reaching a 5 acre minimum lot size with a building site on only one of the parcels.

4. **CONSIDER** whether Section 30.5 A 2. would be a better option than the bonus points as done by San Miguel County.

5. **CONSIDER** Section 30.7 activity envelope concept.

6. **CONSIDER** whether size limits apply to all structures, not just residential structures, in the high alpine overlay.

7. **CONSIDER** how to retain value of parcels smaller than the 5 acre minimum. There was some discussion of Transfer Development Rights (TDRs) as a solution. Staff has done considerable research on this. Per Staff, most TDR programs fail. There is currently no big demand as Loghill is only about 20% built out. Consolidation of non-conforming parcels is a better option. How might that be achieved? What incentives could be developed?

8. **RECOMMEND** addition of tree height to definition of tundra in Section 2. Cover by trees typical of tundra can be extensive but these trees are low growing, generally not over 6', and do not provide screening. With the maximum structure height of 25', consider adding 20' trees as necessary to not be defined as tundra.

9. **CONSIDER** where parking could/should occur when no motorized access is permitted and is prohibited on County ROW.

## **DISCUSSION OF DRAFT June 21, 2016**

### **24.1 PURPOSE:**

Consensus to:

- add San Juan 1-116.2
- strike San Juan 1-106.4
- keep San Juan 1-106.6
- bulletize purpose to make it easier to read and eliminate repetition

We also agreed that "High Alpine overlay" is the appropriate term for the area covered by the moratorium and these draft regulations.

### **24.2 APPLICABILITY:**

Consensus to:

- replace "These regulations shall not apply to mining structures or other mining activity." with the last sentence of Section 30.3 as it is more specific and clear.

### **24.3 HIGH COUNTRY DEVELOPMENT CRITERIA AND STANDARDS:**

Consensus to:

- where appropriate, treat residential and commercial the same, e.g., same 5 acre minimum parcel size.

Development Prohibitions:

Consensus to:

- Add "and commercial non-mining" to "Residential development is prohibited when"
- Have a 5 acre minimum parcel size to balance the low density character of the Alpine Zone and future mining activities with minimizing impacts to legal non-conforming parcels. Confirmed that County Attorney is comfortable with this limitation. We noted that a 5 acre minimum parcel size would impact 148 legal non-conforming mining claim parcels. A 10 acre minimum parcel size would impact 606 legal non-conforming mining claim parcels.
- Replace "qualified professionals" with "a qualified professional approved by the County and paid for by the applicant"
- **RECOMMEND** adding use of a science-based tundra boundary map as a tool for determining if a proposed building site is in or out of the tundra. Member of the public, Danika Gilbert, has contacted UC Boulder for possible low cost/no cost generation of such a map.
- Add last sentence from (proposed deleted) Commercial Use of Residential Structures as a bullet

Site Development Permits:

Consensus to:

- Disallow any site disturbance activities such as grading, grubbing, clearing prior to application for and review by Land Use Staff as is prohibited by Section 30.8 A.
- Require a survey including location proposed structure, elevation, trails as identified by Ouray County map identifying public roads and trails dated 2014, historic access to property, historic sites and structures and any proposed driveway
- Add referral to the Ouray County Historical Society for further information about historical structures such as buildings, town sites, mining districts or cultural features
- Add reference to the Ouray County map identifying public roads and trails dated 2014
- Add "local" to reference agencies and add a 60 day time limit for responses.
- Replace trail impact paragraph with San Miguel 5-321 N III b.

Maximum Density:

Consensus to:

- Add "No accessory dwelling unit is permitted."

Structure size:

Consensus to:

- Use the San Juan and San Miguel 200 square foot maximum for an accessory structure.
- Add San Juan 8-107.20 a i and ii limitations on excluded decks, patios and porches.
- Use the San Miguel square footage maximum base, bonus amounts and total maximum.

Discussion of retirement of development rights and what kinds of parcels might be included in "developable parcel". No consensus in favor of requirement for the developable parcel to be contiguous to the parcel to be developed.

- Remove Note
- **CONSIDER** whether Section 30.5 A 2 may be simpler if contingency is deemed most important.
- **CONSIDER** possible impacts of LUC section 22 Parcel Line/Boundary Adjustment and Parcel Elimination

Structure Height: no change

Setbacks: no change, noting that discussion concluded that setbacks of <2 acres in Section 3 would not apply in the High Alpine overlay.

Access and Parking:

Consensus to:

- Separate into Access section and Parking section
- For both sections add "no paving"

In Access Section:

- Discussion of historical access and need for Applicant to establish facts
- Add "emergency" to Note to emphasize the potential lack of public services.
- Add motorized access is not required and may not be permitted
- Move "Driveways and Private Roads" section up here

In Parking Section:

- Add no adequate parking requirement if no motorized access
- Agree with prohibition against parking in County ROW

Visual Impact:

Consensus to:

- Change section title to "Building materials/color" and replace first sentence with Section 30.9 A as it is much more detailed, specific and clear BUT replace "encourage" with "shall"
- Add language to address possible future conflict with wildfire regulations

Driveways and Private Roads:

Consensus to move up under Access section. Otherwise, no changes.

Utilities:

Consensus to:

- Modify so propane tanks are NOT required to be in an enclosed space and are allowed to be screened by a modest fence or wall

Commercial Use of Residential Structures:

Consensus to:

- Remove this section
- Move last paragraph to Development Prohibitions

24.4 VARIANCE AND APPEALS: no change.

#### **REQUESTS FOR ADDITIONS TO THE DRAFT**

- San Miguel Section 5-321 C I a which requires notification to mineral right holders for split estates. The County Attorney recommended AGAINST adding 5-321 C VII which requires merger of split estates.
- Section 30.8 A 1 regarding no building on very steep slopes.
- There should be a note at the end of the section referring to County ordinances regarding winter maintenance and short term rentals and LUC Section 9 Visual Impacts and Section 16 Wildfire Mitigation. There may be additional requirements that the Applicant will need to consider.

#### **REQUESTS FOR ADDITIONS TO THE SITE DEVELOPMENT PERMIT PROCESS**

- A very stringent avalanche hazard evaluation similar to that in the San Juan land use code
- Permit needs to be revised to be consistent with all changes to the draft

#### **RESPONSES TO BOCC QUESTIONS:**

##### **A. Definition of High Country and applicability:**

Considering public comment, there was general agreement on a base (9500' or 9200' with Mineral Farms and Avalanche Acres excluded with preference for 9500') to 11,000' and more stringent restrictions above 11,000' to protect the tundra. 11,000' is used as a "rebuttable presumption" with the more stringent restrictions NOT applicable if the applicant can show the building site is not in the tundra. The key is the definition of tundra and protecting it wherever it occurs. So the PC strongly **RECOMMENDS** acquisition of a science-based map showing the boundary of tundra within this area.

##### **B. Restrictions on residential structures and uses in the High County:**

1. 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?

John B - No

April - 5 acres or more

John P - No, the specifics of the site are more important in determining whether or not a residential structure is appropriate than parcel size alone

Chris - Yes, 5 to 10 acres

Sheelagh - Yes, 2 to 5 acres so long as our County Attorney thinks this is legally defensible

Craig - Needs more information. How many of the 842 parcels are less than 5 acres (Staff: 150). What is the range of parcel sizes, the median. (Staff will distribute the parcel size data to all.)

Patsy - Yes

Randy - How many of the <5 acre parcels are adjacent to a parcel owned by the same owner? Alpine zone should have low density (1 per 35 acres). Will not be low density if all 842 parcels are built on.

Summary: Yes on some limit, use 5 acres as a place holder.

Public Comment at workshop:

- Even if 5 acre minimum, that's the density of Loghill. Do we want that high density in the Alpine Zone where 35 acres is the minimum lot size?
- Parcels were not designed for access or residential use, so discretionary review essential.
- Focus on potential conflicts with mining.

2. 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 9500'? Should this limit apply county-wide? Note: PC was unanimous in thinking all questions regarding county-wide were inconsistent with BOCC direction.

John B - No, the specifics of the site are more important than parcel size alone

April - Yes

John P - No, the specifics of the site are more important than parcel size alone

Chris - Yes and no

Sheelagh - Yes and no

Craig - We need more info on parcel size (Staff: three largest lots are 65 acres, 35 acres and 21 acres; there are 22 parcels greater than 10 acres). If it's a larger parcel, >1 dwelling unit OK. Not sure what "larger parcel" would be. 10 acres? No on county wide.

Patsy - We need more info on number and size of parcels. Could lead to different restrictions at different locations depending on vegetation. Above timberline 1 dwelling unit only. Same limitations across the county.

Randy - Nothing changes for parcels  $\geq 35$  acres. For smaller parcels, yes, only 1 dwelling unit. No on county wide

Note: County Attorney noted that regulations must be specific enough for citizens to have predictable outcomes.

Summary: Majority yes but possibility for site specific considerations.

Public Comment:

- Density is a huge issue, will be way more than 1 dwelling per 35 acres, consider incentivizing reduction, i.e., bigger house for retired development rights on another parcel.
- What would the density be if all legal non-conforming parcels were allowed to build?
- Rentals are huge risk for bad behavior and destruction.

3. 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?

John B - keep setbacks as currently in code with smaller setbacks for parcels  $\geq 2$  acres

April - agrees with John B

John P - agrees with John B

Chris - agrees with John B

Patsy - standard 25' setbacks

Sheelagh - standard 25' setbacks, variance if lesser setbacks needed

Craig - agrees with John B. Would like to know what percentage of land above 9500' is public versus private.

Randy - San Juan and San Miguel county regs and Section 30 all have larger setbacks (25'-30'). The activity area in Section 30 might be more flexible and a better solution. Not regulating subsurface rights. Might consider requiring merger of surface and subsurface rights to avoid future conflicts.

Consensus: Keep setbacks as in current code.

4. 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?

John B - likes Section 30 so would like special treatment of high country. Drive-to access difficult. San Miguel and San Juan counties not clear enough on purpose.

April - generally supports but some mining leftovers are just a mess. How to distinguish historic from a mess? Would it be appropriate to do an inventory now? (Randy, inventory now wouldn't capture deterioration over time, maybe Historic Society would be interested in doing?)

John P - yes, but "important" is arbitrary, need carefully wording to avoid arbitrary and capricious, some stuff is just falling apart

Chris - yes

Patsy - yes

Sheelagh - yes, if consultants needed, should be hired by County so fully independent but paid for by applicant.

Craig - yes

Randy - yes

Consensus: Yes.

Public comment:

- Environmental impacts are much greater in this fragile environment. Need experts to help Staff with site analysis.
- County should hire independent experts to get unbiased evaluation.

5. 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)?

John B - yes, absolutely

April - yes, variance if necessary

John P - does public trail mean officially a public trail or just one that is used by public? Would parcel owners be able to use existing old roads? (Marti - the county has an officially adopted map of designated county roads and public trails. Many of the trails were established in the late 1800s. Determination of public access is fact based. There are statutes, common law, prescriptive easement considerations. Some public roads are not county roads. Private litigation instead of County litigation. Randy - suggests using the 2012 County map as a reference.) Yes, would want to protect.

Chris - yes, with the flexibility of the variance process if protecting would result in more driveway impacts

Patsy - yes

Sheelagh - supports new requirement of a general site plan, yes, protect trails

Craig - yes, no fences, use of existing old historic roads is OK

Randy - yes with 2014 official County map as reference, yes on new requirement of a general site plan, would like a survey of parcels at time of application, likes variance process as in Section 30.

Consensus: yes, public trails should be protected, need to make sure that protection doesn't result in worse impacts from driveway.

6. 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?

John B - agrees with Staff that access should not be limited to county or state highway, would like consideration of not requiring vehicular access, even prohibiting vehicular access. (Staff - legal access is required, no cases where vehicular access hasn't been feasible)

April - agrees with Staff

John P - agrees with Staff

Chris - agrees with Staff

Patsy - access should be from existing county road or state highway, no off-road access, helicopter assisted development should be discouraged

Sheelagh - need better inter-county coordination if access is not via county where structure is built, what are options? (Marti - an IGA)

Craig - agrees with Staff, OK with non-vehicular access only

Randy - agrees with Staff but need inter-county, regional approach. Maybe a joint planning board for counties as we have with our town and city. Agrees that vehicular access should not be a requirement.

Note: County Attorney noted that legal access is required but not vehicular access.

Note: Should be consistent with County's winter maintenance resolution.

Consensus: access does not need to be from a county road or state highway. Consider not requiring vehicular access and prohibiting vehicular access. Consider joint planning board or IGA or other method to accomplish regional approach.

7. Should required 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? Note: PC was unanimous in thinking all questions regarding county-wide were inconsistent with BOCC direction.

John B - agrees with Staff, OK with parking in ROW if it avoids an impactful driveway

April - if vehicular access, then provide parking on property

John B - if vehicular access, then provide parking on property

Chris - if vehicular access, then provide parking on property

Patsy - if vehicular access, then provide parking on property

Sheelagh - if vehicular access, then provide parking on property, parking in ROW is a potential hazard

Craig - on site parking is reasonable but if can show parking on adjacent on nearby parcel, OK

Randy - if vehicular access, then provide parking on property

Consensus: if vehicular access, then provide parking on property. Might be OK to allow parking on another parcel with sufficient assurances that it would continue in the future. There was considerable discussion of the problems of parking in the ROW, particularly in winter.

Public comment:

- Winter parking at the end of the maintained roads is a problem. If no vehicular access at all, will be a summer problem too.

8. 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?

John B - utilities generally have a small impact but yes. Underground not necessarily the best answer

April - yes, how will residences be prepared for wildfire?

John P - undergrounding can be really impactful so yes but should be site specific and not dictated

Chris - yes but undergrounding not the best answer. Water for fire should be underground.

Patsy - yes

Sheelagh - yes

Craig - yes but should be site specific and best determined by Staff

Randy - yes

Consensus: yes, utilities should be installed to minimize impacts. Undergrounding can be very impactful. Solution should be site specific. Propane tanks should NOT be enclosed but should required permanent screening such as a fence or wall.

Public comment:

- What about alternative energy like wind towers and solar panels? Might have visual impacts.

9. Should Ouray County require High Country residential buildings to blend with the natural surroundings?

John B - yes, need a good definition of blending

April - yes

John P - yes, need a good definition of blending

Chris - yes, nothing reflective

Patsy - materials and color must blend

Sheelagh - yes, color is more important than materials, roof is important but whole structure should blend

Craig - yes, roof is important, what about ridgeline? Screening should not be considered.

Randy - yes, reflectivity and roof color are very important. Nothing in San Juan, San Miguel or Section 30 about ridgelines and was a very contentious issue during Section 9. OK with not addressing ridgeline.

Consensus: yes, structures should blend. Reflectivity and roofs are important.

Public comment:

- Is blending in winter or summer conditions? PC says summer.

10. Should Ouray County restrict square footage of High Country residential dwelling units to 1000 square feet? Should Ouray County restrict square footage of High Country residential dwelling units to 1000 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 2500 square feet.

John P - If we have adequate blending and site development requirements, building size restrictions are not essential.

John B - Consider a size limit to go with KISS, however sq footage is likely not the concern here, visual mass is likely the concern?

Chris - Yes, OK with 1000 sqft but not hung up on it. Height might be more important than square footage. OK with Section 30 language.

Craig - size of parcel should also be considered. Visibility is more important and materials. Does not want screening. Not clear why size should be restricted. Thinks small is good but...

Randy -Yes, 1000 sq ft. Smaller means less visual impact. Likes Section 30's 750 sqft. Blending is key but 3000 sqft will be more impactful than 1000 sqft. Particularly important where mining claims are

clustered and there would be very high density. Incentives for more square footage are good but would like graduated set of rules, i.e., lower could be bigger, higher elevation should be smaller.

April - Yes, 1000 sqft. Would like to see "small, primitive, seasonal cabins" in the Intent and Purpose.

Patsy - Yes. Agrees with summer use. Tundra is super fragile and does not recover from disturbances. The smaller the better.

Sheelagh - Section 30 has some good language and 750 sqft is good. Upper limit of 7500 sqft is way too big. Using adjacent parcels to add square footage and retiring those development rights is a good idea. Also likes San Miguel's approach of allowing additional square footage under some conditions, especially the retirement of development rights on another parcel.

Summary: Most are in favor of a limit.

Public Comment:

- Pitkin County has a process for retiring development rights on small parcels. Danika Gilbert will research and provide info.
- Several supported concept of merging parcels to get more square footage.

11. 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?

John P - Need more information. How many claims are located in the tundra and how accessible are they? When does eliminating the right to build a residence become a taking? Since development in this area is above treeline, structures may be very visible and therefore the need for blending and strong site development requirements.

John B - No, however new development should be sensitive to sensitive ecosystems.

Chris - Yes, eliminate development. Too fragile to fool with above tree line.

Craig - Yes, no building in the tundra.

Randy - Yes, too fragile. San Juan definition needs work. Need input from experts. Use 11,000 feet as boundary with "rebuttable presumption" that building is allowed if the applicant can show that the building site is not in the tundra with scientific data provided by an independent consultant paid by applicant.

April - Yes, maps would be good.

Patsy - Yes, did seven years of research in Alaskan tundra so has first hand knowledge of fragility of tundra. San Juan's definition is actually pretty good. Think about scree slopes which would be below 11,000'.

Sheelagh - Yes, supports a ban.

Summary: Most in favor of eliminating all residential buildings within the tundra ecosystem.

Public Comment:

- UC Boulder is willing to provide GIS maps of tundra based on a definition provided by County. Danika will confirm cost (may be free work by grad students) and timeframe for availability.
- Several comments that 11,000' as defining tundra is not appropriate.
- General concern with how defined. Six foot willows do not constitute trees. Suggestion that definition include minimum tree height.
- Support for banning residential buildings in tundra.

12. Should Ouray County require a Special Use Permit 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?

John P - Any code developed for short term rental should be applied uniformly.

John B - No on vacation rentals, which is a part-time use for primary owners. If it is a full-time vacation rental it is commercial. Yes on commercial uses.

Chris - No commercial use.

Craig - Nothing special for high alpine.

Randy - Would like graduated approach based on elevation. Above 11,000', nothing. B&Bs <10,500'. SUP for other commercial uses at all other elevations. Regarding short term rentals, should be county-wide.

April - Not enough info. B&Bs would likely be limited by a structure size limit.

Patsy - No on commercial use in the tundra. B&Bs OK in less fragile, less visible areas. Are there camping restrictions used by USFS or state which might be useful?

Sheelagh - Likes San Juan's restriction to private use only with SUP required for everything else.

Consensus: Short term rental regulations should be county wide with no special restrictions for high alpine. Commercial use should be subject to SUP process.

Note: Marti clarified that per state court of appeals rentals are considered residential, not commercial, as it is no greater burden than any residential use.

Public Comment:

- Several comments that there are B&B style "ski lodges" in San Juan and San Miguel counties that are above 11,000' but all in trees. Back country skiers don't want these prohibited in Ouray County. Users of ski lodges buy gear in Ouray. Really important for year round economy. 10th Mountain Division huts are a good example of what's OK.

13. 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?

John P - The County should not be burdened with increased demands resulting from residential development in the high country. Applicants should be given proper notice and sign a waiver as part of the building permit.

John B - No. the County needs to draw the line where it best serves the County. Emergency response and road maintenance do not belong everywhere in the County.

Chris - Restrict services but do not ban further development.

Craig - No, give notice and get acknowledgement recorded. Zoning by lack of services not OK.

Randy - There are existing limitations, may be more. Yes unless owner consents to no new services. County is addressing. Make sure that limitations are on deeds for mining claims so notification to buyers of mining claims.

April - No, no new services. Intent should address "small, primitive cabins".

Patsy - No, no new services.

Sheelagh - Problem is that regardless of waivers and "you don't get service", our emergency responders will respond. Only plowing and road maintenance are planned activities that could be and will be curtailed. Must be sure that it is safe for our emergency responders.

Consensus: No ban but applicants must be notified that services will not be provided, must sign an acknowledgement that would be recorded. Consider how to notify potential mining claim buyers that no services will be provided.

Public Comment:

- Agreement with PC. Don't allow private plowing and maintenance, only County.

14. Should Ouray County restrict 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?

John P - Additional information is needed regarding access easements. I assume present access to mining claims are generally taken from an existing traveled way through a deeded easement. If so, the traveled way may or may not meet existing code. All driveways should be required to meet the standards set forth in the code. Any driveway that cannot meet the code requires a variance and would then be subject to review and possible additional conditions and restrictions. This keeps the process simple by requiring case by case review, based upon specific circumstance.

John B - Consider this. Roads and driveways in steep terrain often have greater impact than buildings. Low-grade roads across steep terrain cover more area than steep roads.

Chris - Yes, individual review.

Craig - Agrees with John P and Chris.

Randy - Yes, driveway access should not be required. High country driveways may need different rules than county wide.

April - yes, don't need a fancy driveway, "good enough" is OK since no emergency services.

Patsy - Yes, cuts are worse than fills because vegetation doesn't recover.

Sheelagh - Yes, if staffing is an issue, contract out the work with the applicant covering the cost.

Consensus: Driveways should not be required, should not be held to current County standards, should be reviewed on a case by case basis.

Public Comment:

- Suggests that "access" be used instead of "driveway" so that all methods are reviewed.
- Suggests that blasting could result in a less conspicuous driveway. Length and visibility more important than blasting.
- Support for San Miguel language, avoiding proliferation, no need to meet current driveway standards.

15. 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?

John P - See answer above.

John B - No. Narrower roads have less impact. Emergency access is not an option for steep/narrow roads.

Chris - Redundant with previous question. Driveways shouldn't be required. No opinion on blasting.

Craig - Review. 10' is not magic. Footpath would be great. Don't require driveway. Wide enough to work but no larger. Against blasting.

Randy - Don't hold to current standard. Review for minimal impact. Blasting might have impacts.

April - Should be unpaved and not held to current standards. Minimal blasting OK.

Patsy - Don't hold to current standards. No blasting.

Sheelagh - Section 30 suggests 12'. Restrict blasting. Don't require driveway or onsite parking. Non-mechanized access might be best.

Consensus: Driveways should not be required nor held to current standard.

Public Comment:

- No paving of driveways or parking areas.

16. Should Ouray County consider have more restrictive building height requirements for residential development in the High Country?

John P - No, blending and strong site development requirements will go a long way in reducing visual impacts.

John B - No. Height is likely not the concern, visual impact likely is.

Chris - Section 30 is good but likes 20' height limit except if hidden in trees, taller OK.

Craig - Visual blending more important than height. 35' seems high but might not have an impact in some locations. OK with one story limit.

Randy - Lower structures will have less impact. Need predictable outcome for applicants. KISS. So specific lower height does that. Not arbitrary and capricious. Likes Section 30 restrictions.

April - Agrees with Randy.

Patsy - Yes, restrictions.

Sheelagh - Prefers San Miguel's 20' restriction but Section 30 is acceptable.

Summary: Most agree that a height restriction is a good idea.

Public Comment:

- Support for 25' and no accessory structure.

17. Should there be referrals to any County or State/Federal agencies that are specific to High Country residential development?

John P - Any improvements that located on (or go through, ie. driveways) governmental lands must require notification. Residential development contained with a specific claim should be regulated solely through the building permit process.

John B -Need to learn more about this.

Chris - Need more info.

Craig - Need more info.

Randy - If obligated, do it. More concerned that County restrictions are noticed and published in code.

April - Yes, USFS

Patsy - Yes, as needed

Sheelagh - Yes, for example, referral to State of Colorado's Division of Minerals and Geology and the State Water Quality Control Division as San Miguel does in light of possible mining related issues.

Summary: Need more info but do as needed.

Public Comment: None.

18. Should there be any reference exhibits to any potential new code or permit applications?

John P - Yes, the GIS exhibit provided in the packet, graphic exemplified of blending and site development standards. These materials could be a sub-section of the building code and placed in the "Before You Build" handout. I agree with staff regarding the General Note.

John B - Need to learn why/when necessary. Rough topography is widely available.

Chris - Yes, overlaps, keep it simple

Craig - Yes

Randy -Yes

April - Yes

Patsy - Yes

Sheelagh - Yes, specifics should arise from the draft code.

Public Comment: None.