

SECTION 9

VISUAL IMPACT REGULATIONS

9.1 PURPOSE

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

9.2 COMPLIANCE

- A.** All land use approvals and all new construction including public or private road and driveway cuts and fills must meet the requirements of this Section 9 except the following:
 - (1)** Accessory structures, private roads and/or driveways used exclusively for agricultural or mining purposes, and not located on any escarpment or ridgeline.
 - (2)** Structures, driveways or roads that can be clearly demonstrated to be not visible from the highways and roads listed in Section 9.3 A.
- B.** Existing structures, public or private roads and/or driveway cuts and fills shall be allowed to remain in their present state subject to the provisions of Section 4 of this Code.
- C.** A visual impact mitigation plan and commitments to ensure the plan's completion must be approved by the County prior to issuance of required permits, including but not limited to: building, access, driveway and road construction permits.
- D.** Continued compliance with these regulations shall be required in the future, notwithstanding an initial determination by the County that development meets the requirements of this Section 9.

9.3 CRITERIA AND STANDARDS

- A.** All proposed structures must be at least one hundred (100) feet from the centerline of U.S. Highway 550, Colorado Highway 62, that portion of County Road 1 lying between County Road 24 and the south intersection of County Road 1A and County Road 1, and County Roads 5, 7, 8, 10, 24 and 24A.

- B.** 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).

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| Primary Criteria Points for the following criteria are to be added together: | |
| Size of structure. | .1 point for every 100 square feet. |
| Height of structure. (See Section 3) | .3 point for every foot of the maximum structure height. |

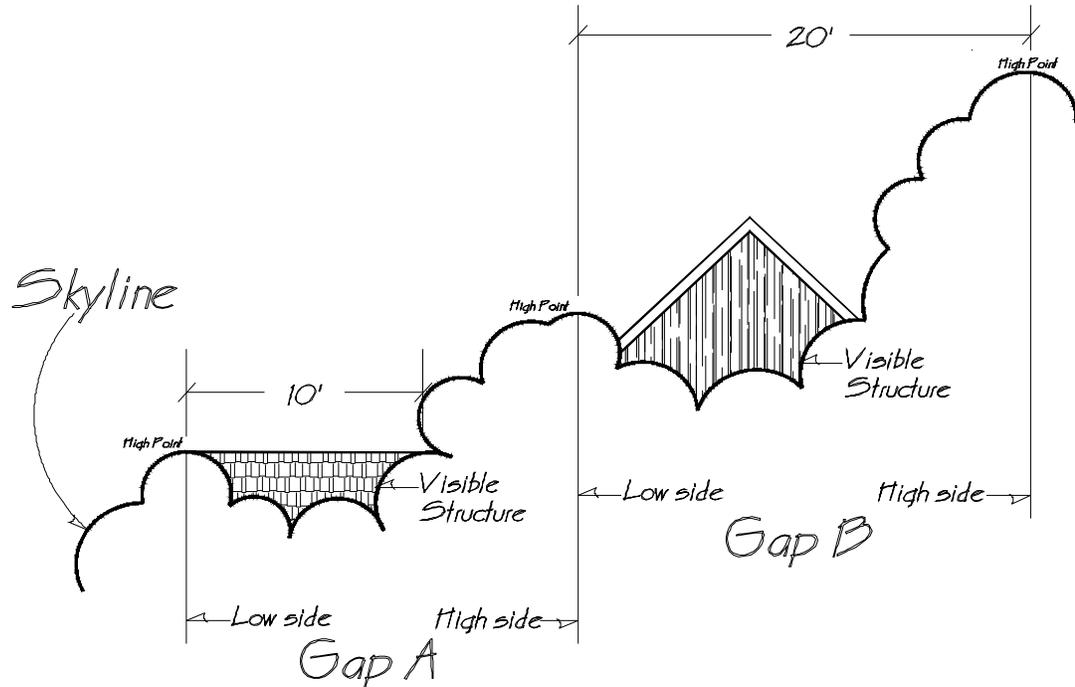
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| Secondary Criteria Points for the following criteria are to be subtracted from the primary criteria: | |
| Area of the parcel or lot (only where the lot or parcel is 7 acres or greater). | .3 points for every 1 acre (maximum of 5 points allowed) |
| Amount of natural screening. | .1 point for every 1% of screening. |
| The exterior (including trim and garage doors) is colored with earth tones and/or otherwise blend with the surrounding landscape. | 3 points. |
| 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. | 1 point. |
| Additional screening that blends with the natural surroundings. | .1 point for every 1% of screening. |

- 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:

- (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).
- (2) 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).

Illustration A



- 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.
- E. All public or private road and driveway cuts and fills shall be revegetated and/or reforested utilizing materials native to the disturbed area.

9.4 **PROCESS FOR REVIEW**

A. **Development Requiring Only a Building Permit**

- (1) Upon receipt of a completed application for a building permit, the County Building Official shall review the project and determine whether it meets the requirements of this Section 9. If the Building Official finds the project in compliance, the Building Official may issue a building permit for the project. If the Building Official determines that the project does not comply, the Building Official, in writing, shall so notify the applicant and indicate areas of non-compliance.
- (2) An applicant may appeal the decision of the Building Official to the Board of Visual Appeals in accordance with Section 13.15.

B. All Other Development (PUDs, Special Use Permits and Roads)

- (1) All other development shall be reviewed for visual impact compliance during the normal development review process as outlined in Section 5, Section 6, and Section 15 of this Code.

9.5 SUBMITTAL REQUIREMENTS

- A.** A visual impact plan shall be required for all Planned Unit Development and Special Use Permit applications submitted to the County. The study, at a minimum, shall include the following information:

(1) P.U.D. Sketch Plan

- (a) Preliminary written analysis of the visual impact of the development and how the proposal complies with the visual impact criteria and measures taken to reduce or eliminate the visual impact of the proposed development.
- (b) A map illustrating required information including, but not limited to: existing vegetation, vegetation to be removed, viewing areas, roads and lots.

(2) P.U.D. Preliminary Development Plan and Special Use Permit

- (a) Final written analysis of the visual impact of the development and how the proposal complies with the visual impact criteria, and measures taken to reduce or eliminate the visual impact of the proposed development.
- (b) Final map illustrating the requirements of the sketch plan and including, but not limited to: topography, building envelopes, building cuts and fills and road cuts and fills.
- (c) Photographs of the site from key viewpoints.
- (d) Proposed building elevations.
- (e) Topographic sections.

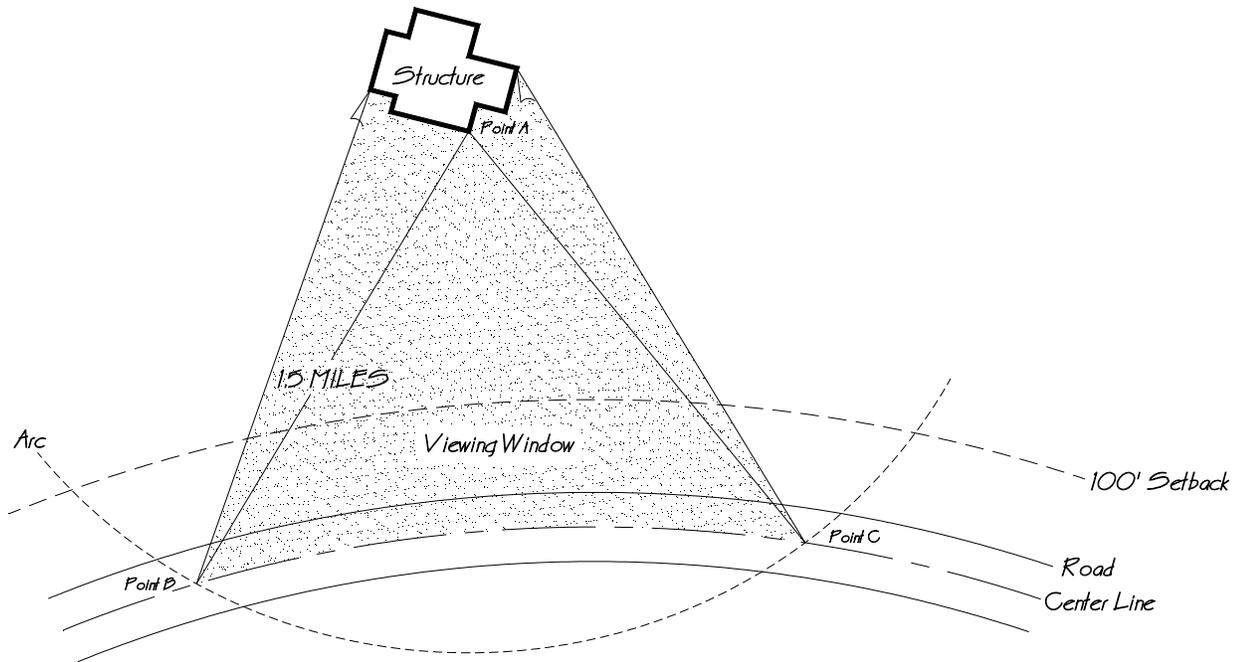
- B.** The Planning Commission may, with prior approval of the Board of County Commissioners, seek qualified outside professional assistance during its review process. If the applicant has not provided professional assistance, the cost of such assistance shall be considered part of the County's expenses incurred in reviewing the development proposal and, as such, shall be chargeable to the developer. If the applicant has provided professional

assistance and the County is seeking professional assistance to review the applicant's proposal, the County shall bear all expenses incurred.

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.
- B. RIDGELINE.** The line of intersection at the high point between opposing slopes.
- C. SCREENING.** A natural or artificial means of hiding all or a portion of a structure from public view.
- D. SKYLINE.** The line where the earth or vegetation and the sky seem to meet.
- E. VIEWING WINDOW** is defined as follows:
 - (1)** Determine the nearest point of the structure to any point along the centerline of the highways or roads listed in Section 9.3 A. That point of the structure becomes Point A.
 - (2)** From Point A, strike an arc with a radius of 1.5 miles until it crosses the centerline of any of the highways or roads listed in Section 9.3 A. That point of intersect becomes Point B.
 - (3)** Continue the arc above, until it again crosses the centerline of the highway or road. That point of intersect becomes Point C.
 - (4)** The Viewing Window is that portion of the road or highway between Point B and Point C.

Illustration B



- (5) Multiple Viewing Windows shall be established if the centerline of more than one of the above highways or roads listed in Section 9.3 A is at or within 1.5 miles of the nearest point of any structure of a development.

F. VISUAL IMPACT PLAN. A map or maps and supporting documentation detailing the visual impact mitigation measures being taken to assure compliance with Section 9 of the Ouray County Land Use Code.

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.
- B. The use of downlighting 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.

9.8 COVENANTS RELATING TO VISUAL IMPACT

The covenants of any Planned Unit Development, as required by Section 6.8(C)(5)(b), shall contain at least the following provisions as well as any other provisions required by this Code:

- A.** All development within the PUD shall comply with the visual impact criteria of the requirements of this Section 9.
- B.** An internal mechanism (such as an architectural control committee) shall be created through which any construction must have prior approval and through which the covenants may be enforced.
- C.** The visual impact provisions of the covenants may not be amended or altered without prior approval of the County in accordance with Section 6 of these regulations.