

STATE OF COLORAD)
) SS. Resolution No. 2002- 051
COUNTY OF OURAY)

At a regular meeting of the Board of County Commissioners for Ouray County, Colorado held at the Court House, Ouray, Colorado on the 9th day of December A.D., 2002, there were present:

Alan Staehle, Chairman
Bill Ferguson, Chairman
Don Batchelder, Commissioner
Shelli Banks, Deputy Clerk

When the following proceedings, among others, were had and done, to-wit:

WHEREAS, after public notice and hearing held on October 2nd, 2002, the Ouray County Planning Commission has returned its recommendation to the Board of County Commissioners regarding the addition of Section 27 – Outdoor Lighting Regulations to the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners has received, reviewed and considered the recommendations of the Planning Commission and, upon adequate and required public notice, has held a public hearing on December 9, 2002 regarding the addition of Section 27 – Outdoor Lighting Regulations to the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners is now authorized by CRS, 30-28-116 and is prepared to act on the addition of Section 27 – Outdoor Lighting Regulations to the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners finds that the proposed amendments are consistent with the stated purposes and objectives of the Ouray County Land Use Code and the Ouray County Master Plan, and the amendments of the Code as proposed are for the benefit of the health, safety and welfare of the people of Ouray County, which findings are based upon the Code, Master Plan and the record made in the above-referenced public hearing; and

WHEREAS, the Board of County Commissioners shall consider placing a question on the ballot allowing the electorate to determine whether Section 27 – Outdoor Lighting Regulations, as written, should remain in the Land Use Code. Any request to place an initiative on the ballot shall follow the procedures as prescribed under CRS, 30-11-103.5.

NOW, THEREFORE, BE IT RESOLVED, that the Ouray County Land Use Code is hereby amended to include the addition of Section 27 – Outdoor Lighting

Exhibit A

SECTION 27

OUTDOOR LIGHTING REGULATIONS

27.1 PURPOSE

In order to preserve the scenic beauty, rural setting, character and the dominating influence of the natural environment of Ouray County and the health, safety and welfare of its citizens and visitors, there are hereby established Outdoor lighting Regulations. The intent of these regulations is to eliminate glare and minimize, but not totally eliminate, ambient light, which impacts properties other than the property where the light is located.

27.2 COMPLIANCE

A. All land uses, and land use approvals, all new development including renovations and additions and all new exterior signage shall meet the requirements of this Section 27 except the following:

- (1) Existing lighting used for existing agricultural operations; and
- (2) Lighting that is required by State and Federal regulating agencies, including but not limited to OSHA and MSHA; and
- (3) Lights operated by motion detectors that are set at no more than ten (10) minute duration after activation; and
- (4) Accent lighting or feature enhancing lighting is allowed but shall be limited to fixtures with a maximum output of 800 lumens per fixture (40 watts incandescent or equivalent) regardless of the number of bulbs.

B. All applications for land use approvals, construction permits or signage permits shall include exterior lighting schedules and/or plans sufficient to determine compliance with these regulations.

C. 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 27.

D. All existing lighting that is made nonconforming as of the date of the adoption of this Section 27, shall be brought into conformance on or before January 1, 2008.

27.2 CRITERIA AND STANDARDS

Exhibit A

- A. No exterior lighting shall radiate above a level that is five degrees (5°) below horizontal.
- B. No outdoor light may be used in a manner that could interfere with the safe movement of motor vehicles on public thoroughfares.
- C. To the extent that is practical, ambient light across property lines shall be kept to a minimum.

27.3 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 27. 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 19.7.

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

(1) All other development shall be reviewed for outdoor lighting compliance during the normal development review process as outlined in Section 5, Section 6, and Section 23 of this Code.

27.4 DEFINITIONS

- A. **AMBIENT LIGHT.** Indirect light, which is detectable beyond the illuminated area. Distinguished from glare.
- B. **DIRECT LIGHT.** Unshielded light rays.
- C. **GLARE.** Direct light rays, which extend beyond the effective lighting area.

27.2 COVENANTS RELATING TO VISUAL IMPACT

The covenants of any Planned Unit Development, as required by Section 6.12(C)(4)(i), shall contain at least the following provisions as well as any other provisions required by this Code:

Exhibit A

A. All development within the PUD shall comply with the outdoor lighting regulations of this Section 27.

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 outdoor lighting provisions of the covenants may not be amended or altered, in any fashion that would make them less strict than the Outdoor Lighting Regulations of the Ouray County Land Use Code, without prior approval of the County.

27.3 APPEALS AND VARIANCES

Appeals and Variances shall be pursuant to Section 19.6 of the Ouray County Land Use Code. The fee for these appeals and variances may be waived based on recommendation of the Planning Department and concurrence of the Board of Adjustment. In the case of a variance request, on the requirements of this Section, lack of financial ability to bring lighting into compliance may be considered as a valid exceptional and undo hardship.