

The Board of County Commissioners met on September 21, 2010 in a work session. Those present for the session were County Commissioners Lynn M. Padgett, K. Keith Meinert, and Heidi M. Albritton; Mary Deganhart, County Attorney; Connie Hunt, County Administrator; Bryan Sampson, Planning Technician; Linda Munson-Haley, Clerk of the Board; and Ken Lipton and Bob Luttrell with the Planning Commission.

Note – This meeting was recorded for reference purposes.

9:04 The Board of County Commissioners met in a work session on proposed changes to Section 9 of the Ouray County Land Use Code concerning visual impacts in order to summarize public input and potentially develop consensus points.

Commissioner Padgett explained that the purpose for the work session was for Planning Commission members and the Board of County Commissioners to review the process from the beginning in the Fall of 2009 and to discuss the early consensus points, problems and issues related to the current Section 9. The Commissioners had received a considerable body of public input since that time that they would be summarizing and discussing. They would then come to a consensus on the goals and objectives and whether the current Code or the May 18 Draft achieved them, or if there were other components worth additional consideration by the Planning Commission. It was not the intent of today's work session to take additional public comment but to discuss what had been gathered to date.

▶ **Review of problems and issues with the current Section 9 that caused this discussion to begin in the Fall 2009**

Commissioner Padgett listed bullet points.

- Blending was not mandatory or assured
- Screening seemed to be subjective. In the current Code there was no clarification for natural screening vs. landscaping.
- There was vague, unclear, subjective language especially involving the viewing window as depicted in the drawing. How do you measure ten feet of peek-a-boo consistently and fairly?
- There seemed to be an issue with uniform application.
- There were issues with a complicated and what had been an ineffective point system.
- A Staff memo suggested increasing the setback from the escarpment.
- Not all areas of the county, regardless of how visually significant was interpreted, were protected. From public input there seemed to be an inequality, inequity and unfairness to Section 9 to have some areas in visual impact corridors and some areas not in corridors.

Commissioner Albritton interjected a point of clarification regarding how this all came about. It did not start last year. Visual impact was on the list for housekeeping when she was elected in 2004.

Commissioner Padgett agreed, adding that when she came on the Planning Commission in 2004 there was a problem with that section of the Code.

▶ **Review of consensus points, goals and objectives for Visual Impact reached January-March 2010**

Commissioner Padgett referred to a summary put together by Mary Deganhart last fall and noted that there had been quite a bit of public input since that time. There was consensus from the Board, participating members of the Planning Commission and public:

- that the Purpose section of the existing Section 9 was okay if blending was added;
- that there was a fairness issue and it could be applied across the county;
- that parcel size should not matter with reference to the current point system;
- to broaden the scope and expand the visual impact corridors;
- to clarify submittal requirements;
- to remove subjectivity;
- that a focus on blending structures with the natural surrounding landscape would address most of the blending problems;
- to make blending mandatory;
- that a "tips and tricks" guide was a good idea;
- that natural, existing screening should be incentivized;
- that there should be clear appeal and variance processes;
- that there should be possibly three sections of standards or criteria to address buildings, structures and alternative energy components;
- there was discussion of building height and ornamental pieces on the top of buildings; and
- on a safe harbor process.

Commissioner Albritton explained that the Commissioners had agreed early on that the goal was not to create protections neighbor-to-neighbor, that they wanted a certainty of outcome, were not looking for cookie cutter standards, and no architectural review board. In review of the past months, some of the goals appeared to be in conflict with each other.

Commissioner Meinert noted that in assessing the discussions the Commissioners had at the latest work sessions and field trips, he had a sense that there was still general agreement on the consensus points that Commissioner Padgett listed. The issue that had yet to be addressed was the implementation of those consensus points. The task was to take these consensus points and the feeling of what the public had told the Commissioners as far as their buy in with the consensus points, and translate them into something that worked and achieved the objectives the Commissioners had outlined.

Commissioner Albritton added that one other consensus point was that invisibility was not a goal and had never been a goal. The idea was always about blending and how things complemented the nature of an area or landscape. There was never an intention to hide completely.

Commissioner Meinert pointed out that another consensus area was that the Commissioners did not want to see regulations that were intentionally designed to make any legal parcel unbuildable. Because of that, visual impact was never intended as a limitation to growth or development in any particular area. The intent was to recognize that the growth that would legally and logically take place in any area of the county would be done in such way as to comply with the visual impact regulations. It was never intended to be a deterrent to growth or to shove growth into any particular area.

Deganhart discussed the distinction between “building” and “structure” in her January memo. Changes were made in the current draft to make that distinction between buildings, which was what the current Code was drafted for but did not work for structures, things that were not a residence. This was an important piece to keep in mind and that needed to be looked at and corrected as the Commissioners moved forward.

Commissioner Meinert explained that was why the Commissioners had decided to move structures such as towers and alternative energy components, etc. into other sections.

Ken Lipton recalled that there had been consensus that historic structures could remain “as is” and that new home construction to look like a historic structure in keeping with the look of the area would be appropriate, such as in a mining area, etc.

9:45 a.m.

► **Review and summary of public comment received via surveys, emails, statements at work sessions and presentations**

Commissioner Meinert provided a written report, “Visual Impact Process – Public Input, Commissioner Meinert Observations”. He explained that he went through the electronic version of the emails and letters that the Commissioners had received and the returned surveys. The Commissioners appreciated all of the comments that were received. He added that the process was not finished and the Commissioners continued to encourage public input throughout the process. That process was the finalization of discussions at the Board of County Commissioners level and work sessions; Planning Commission work session(s) and public hearing(s), after which the Planning Commission would then make recommendations back to the Board of County Commissioners who may have additional work sessions, and a formal public hearing. There was an opportunity for public comment at every stage of that process. He did not provide observations about the ad hoc committee presentation or the first field trip because the Commissioners had already had a debriefing of those.

He noticed right off that the pros and cons generally were about even on the comments received and the surveys returned. Most important were the comments that were made. In general, the emphasis of those in favor of the process and where the Commissioners were in May and June was to encourage the Commissioners to adhere to the Master Plan on visual impact. They seemed to believe that where the existing regulations were applied in the past they were successful in achieving the objectives of the Master Plan of preserving the visual character of the county, but they also noted other areas of the county where they should apply. They addressed the fairness and equity issues around the county in application of the regulations. There were a number of comments about the need to tweak the existing regulations, particularly the point system. The most thoughtful ones and the most difficult to put into Code was the need to have an assured outcome in the regulations and to minimize Staff subjectivity.

The cons tended to focus on hatred of government and regulations in general, a theme of fear that property rights were being taken away while ignoring the fact that existing regulations and zoning had been in place for over 40 years and were put in place by enlightened Commissioners at the time. There was a lot of misinformation that the Commissioners were trying to limit the height, size and color of houses that was blatantly not the case. Most of the con replies indicated that they had not read the proposed regulations. They were listening to the rumors and emails that were sent around spreading the misinformation. There had been a canard that the regulations reduced property values. A lot of the folks who reacted negatively bought into the notion that the regulations would always reduce property values. There was misapprehension that the intention was to limit growth and make parcels unbuildable. The Commissioners did not intend to make parcels unbuildable or limit growth by use of the visual impact regulations. There was genuine lack of understanding of the tier system and the intent of the tier system even though it was designed to address Andy Mueller’s appeal in the work sessions for some sort of assured outcome and “safe harbor”.

Commissioner Padgett clarified the intent from public comment was for less conspicuous buildings that, by nature, were pre-mitigated and there should be not just a “safe harbor” but a streamlined, simpler process. There were a lot of things that were done to accommodate what the Commissioners thought was valuable public input.

Commissioner Meinert clarified that the point he was making was that the folks who had reacted negatively to where the Commissioners had arrived in the process had misunderstood the intent and what the Commissioners were trying to accomplish by the tier system. Another point the con respondents kept mentioning was their concern about the 200-foot setback, which was a legitimate concern.

Commissioner Meinert next discussed the realtor's presentation on August 12, 2010. Leading up to the presentation there had been a rampant misinformation and fearmongering campaign. After getting into the program the discussion brought out three very important points: 1) in general the realtors embraced the concept of blending but also emphasized that however blending was interpreted it should not be more subjective than the current regulations, which would be difficult to put into the regulations; and they recognized that screening, although desirable, the application of it had not been as understandable and consistent and fair as it could be and the Commissioners needed better criteria if there was going to be some requirement or encouragement for screening; 2) by the end of the meeting many acknowledged that some expansion of the visual impact corridors may be appropriate but emphasized that there needed to be a specific set of criteria to determine what areas to expand to. For example, Donna Whiskeman made the point that there were no casual observers on CR 1A, 1C or 22 as an example of residential roads that do not get tourist and commuter traffic; therefore, there was no need to have some sort of preservation of visual scenery along those roads. She did acknowledge, however, that CR 361 was used a lot. There was acknowledgement that expansion of the corridors was important if reasonable criteria were applied. 3) Most significant was the notion that visual impact was killing property values. Alan Stapleton acknowledged that the visual impact regulations actually improved the value of properties. He made the statement that he was concerned that applying the visual impact regulations countywide would "make homesites unaffordable to worker bees." That should expel the notion that appropriate visual impact regulations reduced property values. The entire economic impact presentation was made on the notion of reduction of property values. The reason that the property value reduction was presented by Stapleton was because he used the 200-foot setback requirement as an absolute. The Commissioners had never intended it to be an absolute and he, personally, had not bought into it at the time.

Additional helpful comments that were made during the discussion after the realtor presentation were that the skyline breakage regulations should not be an absolute prohibition against any skyline breakage and that some sort of peek-a-boo skyline breakage should be allowed. There was some misread of the Draft that in flat areas of the county where there was no backdrop of mountains or hills or vegetation, it would be impossible to comply with skyline breakage. The May 18 Draft specifically stated that skyline breakage applied only to ridgelines and escarpments. This was an important misinterpretation that was focused on by the realtors. When going further into discussions to consider if it was appropriate to have visual impact in areas where skyline breakage would be a problem, the Commissioners would need to consider whether it was appropriate to have some restrictions on skyline breakage. The main objection of the realtor presentation was to the 200-foot setback that had been dropped before the presentation. Whether there was some other appropriate extension of the setbacks off of ridgelines and escarpments was, in his mind, still an open question. He started thinking about setback distances and that there may be a setback distance beyond which there may not even need to be a review for skyline breakage.

Commissioner Albritton had a lot of the same points as Commissioner Meinert. Philosophically, she had broken the public input down into thirds: Go! Go! Go!, take it off the table, and those in the middle. The middle ones focused on not going to the extreme; they acknowledged that it was appropriate to revisit the Code, take Staff input, and listen to applicants as far as problematic applications. Of those thirds, she tried to focus on those that were more specific in their critique and commentary. The bulk indicated that they did not have a preference for overall county expansion but would consider some specific reason to have expanded corridors if there were clear reasons to look at them. There was a huge concern about skyline breakage and prohibiting building and consistent concerns about setbacks on both sides. She focused on the ad hoc committee's report as well as that by the realtors. They tied in with the comments the Commissioners had received looking specifically at what was not working. She looked at the point system based on the comments. Numerous comments admonished the Commissioners to not throw the baby out with the bathwater, don't start from scratch, if it needed to be tweaked do those things. She agreed with Commissioner Meinert's observation that the realtors acknowledged the concept of blending, not making something invisible but blending, and the builders also recommended that the notion of blending could be better incorporated into the point system to get away from the idea of using screening to hide something or dig a hole or berm. The public input broadened her horizon as to reconsidering the point system. From a lot of the comments there was reassurance from the public about the point system being a reliable process that they could go through that they did not see in the proposed draft. Even those who were willing to consider a revision were hesitant about what the proposal stated because it came across as being more ambiguous than the point system. The reliability of the point system, however problematic, gave people a level of comfort in the process. Fundamentally, she felt like the community was divided in thirds.

Commissioner Padgett stated that, aside from what was mentioned, she heard the ad hoc committee suggest that only scenic byways should be in visual corridors. She heard the ad hoc committee say that largely the current process was working and advocated looking at setbacks from a site line visibility and angle, a technical process. She also heard from the brokerage community and the public comments that they were asking the Commissioners to drop this process because it would take too long and would hurt property values in this period of uncertainty. She paid a lot of attention to some of the comments and emails received somewhere around the May 27 presentation because she was curious to discover what the middle ground was with the people who heard the presentation and might have actually read the Code and were not sending a form email. She came away with, overall and even on the extremes, there was still strong support for the Master Plan. There really was not major opposition to natural blending. As far as the fairness and equity piece, she thought that would be a compromise because there was either strong support or strong dislike. There may be a little more support, but overall from the greater body of knowledge that was received there were compelling reasons not to make every Forest Service, BLM and county road a visual impact corridor. She saw some need for a simpler or more flexible process. Process was one of

those issues that would not be resolved but the County should strive for a balance, a middle ground. There seemed to be some middle ground for the exemption of buildings used purely for mining or agriculture. There seemed to be a whole range of opinions on whether it was necessary. She still came away with the fact that there was largely strong support for maintaining strong visual impact regulations for the Master Plan in visually significant areas. There were differences of opinion on how to interpret the Master Plan. There was large support for a clear appeal process. She heard, personally, that the appeal process in the Draft was clearer than in the current Code. The skyline issue was one of the emotional issues and there was mixed comments on breaking the skyline. It was unfortunate that some of the received comments misrepresented what existed currently and what was proposed. While going through comments and surveys there was a lot of public comment that was not specific to either the current or proposed code.

Ken Lipton added that, relative to the realtors presentation, the economic impact that was presented was based on conjecture without any substantiation whatsoever.

9:57 The Commissioners took a break and reconvened at 10:08:

- ▶ **Review and summary of field trip observations, in general and also specifically related to:**
 - **skyline breakage, ridgelines, escarpments, outcomes, qualities of existing visual corridors and county roads omitted from current corridors**
 - **observations on terrain differences and zones visited**

Commissioner Padgett noted that Commissioner Meinert had another comment on the previous topic.

Commissioner Meinert recalled comments that came out in the Town Hall Meeting and that several people had mentioned in their correspondence regarding the notion that if and when the County expanded the visual impact corridors to areas where they had not applied in the past, it would be potentially creating nonconforming structures out of structures that existed there prior to implementation of the new regulations. The way nonconforming structure section read in the Code, before a property owner was allowed to rebuild a structure destroyed by fire, etc., or to expand or significantly modify or refurbish the structure, he had to bring it up to conformance. It was not intended that it would be applied rigorously if the County expanded the visual impact corridors into new areas. It is an area that the Commissioners needed to think about and decide how they wanted to tweak the requirements about bringing nonconforming structures up to conformance. It was a fairness issue.

Deganhart asked if, for example, she had a house on CR361 that was purple today and the County expanded to include CR361, was Commissioner Meinert suggesting that she would have to bring her house into compliance or if her house burned down and she rebuilt she would then have to bring it into compliance. Commissioner Meinert replied both. The former was not required by the Code now until she had a rebuild or major expansion. Even in the situation of a rebuild or a major expansion, he felt that it was worthwhile for the Commissioners to revisit what those requirements would be and address them, and it could be something the Commissioners ask the Planning Commission to address. Deganhart asked, for further clarification, was he talking about nonconformance specific to visual impact or the Code's nonconforming section that needed help in general. Commissioner Albritton inserted visual impact in particular. Commissioner Meinert clarified that the context here was just the impact of expanding the visual impact corridors and what effect that would have on existing buildings and that there were no unintended consequences of doing so.

Commissioner Padgett moved the discussion to field trip observations. She explained that the Commissioners had driven in the northern and southern parts of the county on current visual impact corridor roads and some of those not in the current corridors to contrast and compare zones.

Commissioner Meinert explained that he had not included the first field trip in his written observations because the Commissioners had already debriefed that trip. He focused, primarily, on the September 14, 2010 field trip. The area where people were the most sensitive was the issue of expanding the visual impact corridors from the current regulations that included the two state highways, CR1 to the end of the pavement, CR24 and subsidiaries, CR7 back to Blue Lakes, CR5 up to Miller Mesa, and CR8 that leads to and includes CR10 up to Owl Creek Pass. The areas that were left out were the mountainous alpine areas. The September 14 trip was taken, primarily, into the mountainous alpine areas. His observations were somewhat to address the realtors' concerns that the Commissioners have some specific criteria that they were trying to accomplish before deciding to expand a visual impact corridor. One of the elements in his observation was visual sensitivity – how would a new structure relate to the area as it exists today with the existing buildings; how would it affect the scenic value of the area in terms of the current Code; and would it compete for the viewer's attention or alter the character of the area. Another consideration was what was the use by casual travelers, tourists, Sunday drivers, etc. The current Commissioners did not really know what the founding fathers of the visual impact code were thinking at the time or their criteria for road selection but the intent was to recognize the unique scenic character of Ouray County as seen by tourists and casual travelers. Therefore, the amount of use that could be expected for a particular road by this body of observers was one criterion to keep in mind, but the Commissioners also had to think about what would happen in the future, whether a road that right now was not being used by casual travelers could or would be in the future. There was also the potential for development along a corridor including the potential for private land being sold for development. That observation came from the drive down CR9 that goes through Ralph Lauren's property to public property at the Box Factory Park. Right now that land was protected but that would not always be the case. There was a need to consider whether that would be an appropriate road for inclusion at some stage in the future. His next observation was that if the County was going to consider putting regulations in place, it needed to them put in place before development occurs. The property that would be bought and sold should be bought and sold with expectations of what the requirements were on that property. Another criterion to consider was if the road

accessed or traversed public lands that were scenic and essential to tourism. CR7 that goes to the Blue Lakes Trailhead seemed to be an odd selection by the framers of the existing visual impact regulations. He agreed with the notion that roads that accessed the wilderness and scenic public lands should be included, and maybe that was why the framers included CR5 and CR7. As far as bracketing what he was hearing from the public and where these criteria would lead, it was very clear that CR361 and CR26 would definitely meet the criteria that he outlined and most people would consider them as appropriate for visual impact regulations. They were heavily traveled tourism roads and essential for tourism. On the other end of the spectrum would be what roads would not possibly meet the criteria. CR22 and CR1A may be candidates that would not meet the criteria. He was not stating that categorically but only trying to bracket the two extremes and what the Commissioners needed to consider for the appropriateness of expanding visual impact.

Another observation from the Commissioners' discussions while in Ironton, was that the difficulty of complying with some sort of reasonable skyline breakage regulations may not be as difficult to comply with in narrow mountain corridors like on CR 361 and in Ironton, as it was along the Pleasants because of the backdrop of the mountains. As long as building was not taking place on top of a ridgeline it would be hard to break the skyline. It was hard to see the skyline down in the narrow mountain corridors. When he mentioned the Pleasants, as the first field trip and the builders and architects pointed out, the skyline breakage difficulty in the Pleasants was not necessarily along the east-west escarpment but along the subsidiary ridges that ran off of that escarpment north-south. The road happened to go along the escarpment north-south so an observer was looking right into these series of subsidiary ridges. That problem was not as severe in the mountain areas. The Pleasants may be the most difficult for compliance. Expanding into the mountainous areas, particularly CR 361, would not be more difficult or aggravate the situation any more than in the Pleasants. With regard to increasing setbacks from the roads in visual impact corridors, although increasing setbacks tended to push structures away from the viewer and become less obtrusive, it may have counterproductive effects in the mountain areas because it would push structures further up a slope and made for longer driveways and scars on the hills from driveways and access roads. If the Commissioners decide to expand the visual impact corridors into the mountain areas, they needed to consider the effect of the requirement for a specific setback off the roads.

One thing that was clear was that blending would be easier to accomplish in the mountain terrains because of the backdrops. The warehouse-type structure on CR12 that received a lot of attention early on in the process because it was large and beige and stood out from the backdrop of the natural forest became the Commissioners' poster child for what they were trying to avoid by having effective visual impact regulations. Since that time the owners changed the color and the material of the cladding, and he was amazed about how much blending was achieved. The building almost disappeared. This convinced him that blending was the way to go rather than hiding behind rocks or trees.

Commissioner Albritton explained that it was striking to her during the field trips to try to figure out why some roads were included or excluded. It seemed to her that there were specific roads in the county that should be included. While driving through a number of the areas on the field trips she was scratching her head trying to figure out how certain roads could be included as a visual impact corridor. She realized that trying to craft something that was a one-size-fits-all approach, something that was broad but not deep, did not work. She was pleased to see that some of the new development on CR 361 blended great. It was not a matter of trying to plant boulders or trees in front of something; just colors and materials made a vast difference. Some of the old rusted mining structures perched on the sides of cliffs with no vegetation blended right in with the shadows. Use of those types of materials seemed to be a trend. She could see even modern buildings blending nicely with something as simple as a color choice without getting too deeply into screening. That gave her more reason to think again about the point system and consider how blending could be a part of that and back away from notion of earth tone colors and screening as being so important.

With regard to setbacks, she felt that the field trip settled in her mind how she viewed them. The Pleasants were a good example of why 200-foot setbacks would not work. She noted that, on the escarpment, some of the homes that were the "worst offenders" were set back even further, some were older, their lights were not shielded at all, and some had glaring, aging solar panels. It was dubious if some of the relatively newer homes had lights that were shielded. It gave her pause to consider some of the other tools available, some complaint-based tools that could be used to enforce things like light that did not involve setbacks. She agreed with Commissioner Meinert about the alpine areas and the fact that trying to enforce additional setbacks could cause more problems and make the buildings and structures more visually obtrusive. The Commissioners discussed exceptions and that there were cases where something closer to the road would be more practical to build and probably less intrusive. She could see that there could be situations that needed flexibility to address.

She agreed with the observation about the nexus to public lands and tourism. When the Commissioners viewed CR 31 and the historic mining district from the Idarado complex, she could see where it would not be too difficult for a project to build in that area that would not detract from that district at all and could blend right in using color and materials and not through anything too onerous, but she could also see where a project could go in that would be very detrimental to the area. She came more to the conclusion of a need to single out specific places for specific reasons and not try to apply the same rules to everyone everywhere. There were economic factors there with tourism. She saw a distinct separation between residential development and any kind of mining or ag exemption. There were very good reasons for those types of industries being exempted. The field trip convinced her, personally, that the focus should be on the residential component and not on the mining or ag components. They were very different types of things; their needs were different, the road needs were different for the various types of traffic.

Commissioner Padgett had fifteen observations. Overall, she saw that the existing regulations seemed to be working although sometimes by luck. However, she felt that the regulations were not as strong or clear as they should be and allowed for unintended consequences. Skyline breakage had an important and beneficial effect in the mesa

topography. It was a positive as one went through Pleasant Valley or Cow Creek valley that the current regulations did not just protect the very top of the escarpment but they worked well on the benches and allowed for bench development and she did not want to lose bench development. Skyline breakage was likely to be minimized by the high backdrops in all but the near ridge areas of the high country. She did not think that it would be hard to comply with the current regulations that only allowed for a peek-a-boo of the skyline because there was so much backdrop both from the down valley and up valley perspectives as seen on CR 31 and CR 361, until it neared a crest.

Blending with the shadows and maximizing existing natural vegetation through site design seemed to be the most important tool. She spent a lot of time thinking about wildfire hazard and whether our current regulations increased wildfire hazard, which was another public comment, and whether or not there was some conflict between the wildfire mitigation regulations and the visual impact regulations. The visual impact regulations did not specify that screening had to touch a house or how close to a house screening should be. She found that it was more effective further away from a house. She did not find that wildfire mitigation and visual impact screening were mutually exclusive. The current system allowed for flexibility there and it seemed to be working.

Setbacks do help to reduce the fire hazard. An unintentional result of the current Section 9 was that by getting off of escarpments and benches helped to reduce the wildfire hazard. She was surprised on the first field trip with regard to the 50% slope definition and she wondered if it was something for potential consideration in the future if the 50% was the right one. The 200-foot setback suggestion was dropped and it was dropped for good reasons. However, in fairness, the 200-foot setback had contemplated that it would go along with a lesser slope that meant not 200 feet from present but 200 feet from a 35% slope. It was not her observation to go to 200 feet. Do the words in the Code go with the practice in the field? She believed if something was on paper it needed to be practiced. If the County was practicing something different, it needed to decide if it wanted what was on the paper or what was being practiced and seemed to be working in the field.

Another observation was that additional roads should be included in the visual corridors and she agreed with Commissioner Meinert's observations.

Another observation from the mesa, many houses on the southern Log Hill escarpment were greater than 100 feet back and still had great views. Issues from increasing a setback beyond 50 feet from the lot line were more prevalent on the southeastern escarpment of Log Hill Mesa. A lot of the citizen complaints were more related to whether or not there was vegetation that helped to block lights and reflectivity. A lot of the homes on the southeastern and eastern escarpment that had been grandfathered in did not have enough space to allow for natural vegetation or it was intentionally cut down. Moving further to the west on the true south facing portion of the escarpment, those houses were set back 130 to 180 feet and those with vegetation between them and the escarpment had mitigated the visual impact. She did not see that as a problem in need of a cure.

She saw the need for slightly different standards in the mountain areas. A modified point system could work if in the mountain areas the distance from a road was not factored in. Those small parcels in the high country were so challenged for safe building spots, and because of the need for septic, etc., increasing the distance from the road would be desirable but if it had natural screening and blending there would be no need to incentivize distance. There were a lot less buildable areas than she would have thought, especially when looking at avalanche areas. She did not think that visual impact regulations would be the limiting factor in most cases; avalanche paths and other geohazards would be. There were definitely parcels up there that were unbuildable but not due to visual impact regulations. She found that heavy natural screening in some of the new and older development along CR 361, especially with some of the brightly colored houses and reflective roofs, worked well and hid them. They did not detract at all from the tourist experience. She wondered if there was a way to temporarily exempt via some sort of recorded note that would go along with the deed once a house was built, that would say that there was an exemption to blending as long as there was screening. If the screening went away, the note would say that blending would be required later. She was very much in favor of mining and Victorian historic replicas in the mining district areas, and classic red barns, white houses and white picket fences in the valley areas. Rust and dust blend well. With regard to the point system, much of the public comment indicated that the public had the perception that the point system had more flexibility and was not a one-size-fits-all approach. To the degree that it does work, is there a way to find a compromise that ensured blending and incentivized utilizing the existing natural vegetation screening where possible and still allowed for that flexibility and not a one-size-fits-all approach? She thought it was possible and wanted to see it explored further.

Ken Lipton was in agreement with everything that was said. The old adage that there were no bad views in Ouray County became clear on the field trips. It gave more emphasis on whether the County just protected tourist roads or protected all residents. Does the County care more about tourists than the citizens of Ouray County? He added that it became clear that more work was needed on definitions, particularly of ridgelines and escarpments, and adding a definition of bench. There was a need to look at degrees of slope as it related to skyline breakage. It was easier to follow regulations if definitions were more specific.

Deganhart read from the Ouray County Master Plan adopted in 1985, *"County residents in their collective response to the land-use questionnaire very clearly want to preserve the visual beauty of the county landscape. Citizens want to be assured that any future development which occurs will not hinder, impair or destroy many of the scenic vistas throughout the county. It is a specific goal of this Plan to preserve these vistas. To further preserve the natural beauty of the area, the Ouray County Building Codes and Regulations should require that all PUD and special use construction visually relate to the surrounding physical environment with regard to siting, erosion control, and landscaping. Also, the county should therefore require that all PUD and special use construction proposals be reviewed for their visual impact, particularly from Highways 550 and 62 and from adjoining public roads. The purpose of such a review is to minimize the visual impact of both individual structures and the development as a whole so that developments do not compete with the existing physical environment for the viewer's attention. Items to be taken into account, in addition to the function of the structure and the total development, include: exterior*

building materials, exterior colors, structure bulk and height, structure set back, site suitability, placement of structures on the site, grading, effect on existing vegetation, and proposed landscaping and exterior lighting." This was when the County first adopted visual impact regulations and suggested where the Commissioners were coming from when they selected the roads. Their concern was that, as the county began developing, the views and vistas not be impacted by it. The concepts of not competing and blending were the overriding ideas that had moved through the regulations since the beginning. There were a lot of the same concepts that the Commissioners were discussing today. A huge chunk of the 1985 regulations, about half, was about screening. The regulations were changed in 1997 and she pointed out that the Commissioners spent three years working on those changes. They hired an outside consultant out of Aspen. At that time they talked about expanding the visual impact corridors and one draft included adding CR 1A, CR 7A, CR 9, CR 12, CR 14, CR 14A, CR 17, CR 23, CR 26, CR 31 and CR 361. CR 22 was specifically excluded. One of the pieces that she hoped they would not lose sight of was the language that was included in the current proposal for a really good appeal process. One criterion in granting a variance under the current proposal was that because of topographical, technical or other constraints, strict compliance would actually increase visual impact. Cannot draft regulations to come up with an answer for every instance, but address most instances and have variances for those few not addressed.

Commissioner Albritton did not think that funneling applicants towards a variance process was a good plan at all. She was mulling over, rather than separating areas out for overlay zones, using the point system to address unusual situations and allowing for a more straightforward way for people to go through when contemplating building.

Commissioner Padgett noted that one of the things that she was kicking around in saying not having points to incentivize distance from a road was to simply not require as many points. One idea that the Commissioners had touched on was having positive and negative points and having the applicant come out near zero.

Commissioner Albritton replied that this whole conversation was even more reason to be careful of what roads should be included in the view corridor.

Deganhart explained that she brought this up to point out that one of the concepts in 1985 was that where the county was starting to see pressures of development in the county, those areas needed some protection to preserve the vistas. As witnessed by all of the public comments, that was important to the people who lived here and was one consensus point that everyone agreed on. Ouray County looks the way it does today because of regulations. If the county waited until development happened, it was too late. The Commissioners should maybe only look at a few more roads where development was beginning or anticipated. The direction of the discussion should be to look at some sort of criteria to add roads, whether that is development pressure or scenic views.

Commissioner Meinert stated that with regard to the notion that regulations should be wide and not deep, when the Commissioners started out on this and started talking about having visual impact apply everywhere in the county and started tweaking or crafting the regulations so that some areas of the county where it would be particularly difficult to achieve visual impact like on high mesa where there was no vegetation and it was flat and everything would break the skyline, they diluted the effectiveness of the visual impact regulations today to make it apply just to that area. As the Commissioners and the Planning Commission struggle with the question of where it should apply, they need to balance the ability to continue to have the fairly rigorous regulations of today and not dilute them to make them apply to the mesa. He was not suggesting overlay zones for different areas. But, he was also not suggesting that the high mesa had no scenic beauty and that it was inappropriate to encourage sensitive development there.

Commissioner Padgett explained that one of the historical documents suggested to her how important irrigated lands were and it seemed to her that the visual impact regulations were making it harder to develop in those areas. She asked why the framers had excluded CR 12 yet kept CR 10 in the view corridor when they were in the same valley. She discussed land swaps and the importance of designation of a road as a visual corridor despite the fact that it ran through public or private land because one never knew when and how a land swap would occur. She wanted to keep that in mind during the discussions.

Commissioner Meinert pointed out that the Commissioners had not talked at all about the valley areas around CR 17, CR 23 and CR 2. He thought that the Commissioners were feeling a direction that roads that might not be appropriate might be roads on the mesa, roads that do not go anywhere, and were getting a feeling of roads that were appropriate like CR 361 and the mountain roads that apply to the criteria that he laid out, but had not really talked about the valley between Ouray and Ridgway, and CR 17, CR 23 and CR 2.

Commissioner Albritton pointed out that those were covered by the current corridors.

Commissioner Meinert agreed that they were in the current corridor but the travelers on those roads had a different perspective. He was not arguing as to whether they should be included but merely pointed out that the Commissioners had not talked about them.

There was discussion about whether or not the Commissioners should take each road individually and discuss.

Deganhart had an observation with regard to blending that one of the overriding themes throughout all of the discussions was that blending was not currently mandatory. If it was mandatory, the handful of poster children for where visual impact did not work, would have worked. If the Commissioners chose to keep the point system and make blending mandatory, would that make the point system irrelevant? Everyone agreed that they wanted things to blend. As far as screening, the proposed Code did not require screening; it just suggested using what was there to an advantage to screen. It did not require new landscaping. The 1985 Code did require that, screening was a huge piece, but it did not end up going there and they backed off. She could not figure out how they got to the point system. The draft that was sent to the Board of County Commissioners did not include a point system and

the minutes from then were vague. The consultant did not propose the point system. She had spent time looking at Codes from other jurisdictions and no one else had a point system.

Commissioner Padgett asked if the point system was tweaked such as taking the three points allowed for an earth tone color and saying three points for a color that blended with the existing, natural, immediate surroundings, allow for flexibility, would that not be a fix.

Deganhart countered that if blending was not mandatory and people could make points by not blending, then they could get around the point system.

Commissioner Albritton admitted that the point system was not her favorite thing. She felt that there was a fear among members of the public regarding mandatory blending that blending seemed more subjective than the point system. There was a comfort level among the public with the point system. She asked if there was a way to achieve where the Commissioners wanted to go utilizing a tool that was more familiar to the public that would ensure a higher level of comfort to the public.

Commissioner Meinert pointed out that the Commissioners were coming around 360 degrees on this. When they first started talking, and he wrote something about a desire to get away from the point system, blending was suggested. After the field trips, blending was more important than other criteria. That was where they were at a certain stage of the process. Then they became uncomfortable with the subjectivity of blending and the public's apprehension about it, and heard from the architectural community that they were comfortable with the point system. Now the Commissioners were coming back around to preserving some semblance of the point system and encouraging but not requiring blending, yet the public was saying that they liked blending but were just worried about the subjectivity of the criteria. The best way to go would be to make blending less subjective.

11:26

► **Based on the input and knowledge we have to date**

- **are consensus goals/objectives achieved in current code? Specifically how or how not?**
- **are consensus goals/objectives achieved in "proposed" code? Specifically how or how not?**
- **what concepts/elements of the current code are worth additional consideration by PC?**
- **what concepts/elements of the proposed code are worth additional consideration by PC?**
- **what specific reasoning/criteria should be considered if examining additional roads to become visual impact corridors?**
- **are there any specific roads that should be considered by the PC as potential additional visual impact corridors?**

Commissioner Padgett took the last two questions first and asked what specific reasoning/criteria should be considered to qualify an additional road to become a visual corridor. With regard to visual sensitivity, did a road in a visual impact corridor need to be in a visually significant area?

Commissioner Albritton replied that specific criteria were needed to determine that. All of Ouray County was in a visually significant area. She was looking at the economic impact to tourism activities where she could tie sales tax revenues to things looking a certain way, the magazine spreads, etc. She was not talking about all alpine areas. There were specific roads that could be identified, specific corridors. Jeep companies could give data on that. Tangible economic benefits could be a bullet point.

Commissioner Padgett wanted to include popular direct routes to the public lands, public byways, backcountry byways, popular jeep tour/OHV recreational routes that translated to traffic counts.

Commissioner Meinert tried to clarify Commissioner Albritton's statement and offered by means of illustration that CR 361, Camp Bird Road, and CR 26 going into Yankee Boy Basin were no brainers; however, off of CR 361 were various spurs, for example the Silver Basin Road and Governor Basin Road, that were extremely scenic and sensitive that did get some tourism but were not heavily-traveled roads that the jeep tours went on.

Commissioner Albritton pointed out that those roads would be protected to some degree by the CR 361 corridor. She was trying to focus the discussion on looking at specific criteria for the Planning Commission to be able to narrow the scope of what they would be looking at, and because the notion of countywide expansion was upsetting to some of the public, the more specific the Commissioners could be the better. If Planning Commission had different recommendations, that would be okay.

Lipton returned to the earlier discussion of including all roads leading to public lands. He suggested that they start with that as a reasonable premise and back out the unreasonable roads.

Commissioner Padgett suggested that there should be consideration of the amount of private land and the potential for development.

Commissioner Meinert offered that that was a valid criterion, the amount of developable private land along that road.

Commissioner Padgett summarized the criteria so far as being a popular jeep/OHV route / commercial tour – the economic aspect, a scenic and backcountry byway, access to public lands, and popular access.

Commissioner Albritton noted that a lot of the same criteria could be applied to numerous roads, the question was what weight they should have and what benefit would incorporating them have.

Lipton pointed out that, recognizing that every legal parcel had the right to be build on, one of the proper uses of the Land Use Code was to encourage building where it was in the community interest to have development and to control development in areas where it was in the community interest to have control over development. Regulations should be easier in areas such as the north mesa where there are already 35-acre parcels with huge potential for development as opposed to other areas that the Master Plan wanted to preserve like the most scenic areas and agricultural preservation. That was where restrictions should be tighter. In looking at the roads, they should look to eliminate roads that service areas with the greatest potential for development and to tighten up in areas where according to the Master Plan there was a desire for preservation.

There was more discussion on development.

Commissioner Meinert concluded that this was leading to the establishment of criteria but let the Planning Commission struggle with looking at each and every road to decide if they met that criteria. If the Planning Commission believed that there should be other criteria, they could throw them in and make the case for inclusion or exclusion. What the Commissioners should accomplish today and the best way to deal with the Planning Commission was not for the Commissioners to go through the list of all county roads and say yes or no, but to come to some consensus on general criteria for the Planning Commission to start with.

Commissioner Padgett asked if the Commissioners wanted to highlight the criteria and say to the Planning Commission that from this the Commissioners thought that CR 361 would qualify but CR 22 would not.

Bob Luttrell disagreed. He asked that the Planning Commission be allowed to do their job.

Commissioner Padgett summarized: 1) Amount of private land and potential for development, 2) direct access to public lands, 3) economics – important for recreational tourism and regional/local economy, and 4) visually significant areas - classic Ouray County vistas including agricultural vistas essential to Ouray County's character.

11:48 The Commissioners took a break and reconvened at 12:04:

► Wrap up / Next Steps

- **Are consensus goals/objectives achieved in current code? Specifically how or how not?**
- **Are consensus goals/objectives achieved in "proposed" code? Specifically how or how not?**
- **What concepts/elements of the current code are worth additional consideration by PC?**
- **What concepts/elements of the proposed code are worth additional consideration by PC?**

Commissioner Padgett asked if the Commissioners needed to review the consensus points.

Commissioner Meinert suggested that having a clear list of consensus items identified by the Commissioners would be helpful to the Planning Commission. Lipton agreed.

Commissioner Albritton clarified that the Commissioners were not mandating anything to the Planning Commission, just giving them something to work with so that they would not have to reinvent the wheel.

Commissioner Padgett asked if there was consensus on the Purpose of Section 9 in current or as proposed that was the better Purpose on blending.

Commissioner Meinert felt that the May 18 Draft with the changes of pulling down the tier concept and the 200-foot setback would give the Planning Commission a starting point of the ideas the Commissioners had kicked around. They would have to go through the detailed wording and decide if it was appropriate. There were two things in that Purpose: 1) the addition of blending that everyone seemed to embrace, and 2) the notion of the removal of the objective to preserve the value of property – protecting the county's property values. The Planning Commission may decide that the value notion could be stated in a different way. Rather than taking the time now and going through each individual section of the proposed draft and crafting some rationale as to why it changed, he suggested just giving it to the Planning Commission and say that it was a starting point, what had evolved out of the discussions, and highlighting specific areas they would have to struggle with such as corridor expansion, skyline breakage, and points vs. blending.

Commissioner Padgett asked if it was consensus that the Planning Commission be requested to consider adding blending language to the Purpose of Section 9 and consider the removal of protecting property value language. Commissioner Albritton wanted to take a step backwards. She wanted each of the Commissioners to consolidate what they thought were the consensus points of the day and compare. She went through the existing Code and what was in the proposed draft and noted the differences. She thought it would be helpful to go back to all of the points discussed this morning.

Commissioner Albritton discussed the things that the County could do from the public's perspective to get the specific information out to the public of what the Commissioners had come to consensus on today. She wanted to remove the proposed draft from the website and post the consensus points rather than having any draft there.

Deganhart asked if the Commissioners were anticipating distilling all of these things, whether consensus or not, into a resolution to send to Planning Commission to take the current Section 9 and make a recommendation, or are you going to do that and send them some sort of a draft to review.

Commissioner Albritton wanted to send the Planning Commission the current Section 9 with the consensus points and recommendations for specific things to look at along with the draft because there were issues with the draft but also good things in the draft. She preferred that the Planning Commission work from the current section of Code but use the draft as a resource.

Commissioner Padgett explained that one of the things that this agenda had anticipated was that the Commissioners ask themselves what direction they wanted to give to the Planning Commission. From those goals and objectives, which still needed to be worked on, were there specific elements of the current or proposed Section 9 that were good or bad and advise the Planning Commission accordingly.

Lipton suggested that the Commissioners take the May 18 Draft, take out the things that there was consensus for taking out and leave the rest intact, provide a list of the consensus points from today including direction on roads, and put in a resolution to send forward to the Planning Commission.

Commissioner Padgett had taken a stab at deleting Tier 1 and the 200-foot setback requirements.

Commissioner Albritton started with the current Code and implemented things from the proposal into the current.

Deganhart suggested that the Commissioners take the current Section 9; highlight places that the Planning Commission should look at like the point system; consider what was good, bad or needed tweaking; consider whether additional roads should be added; and consider the appeal process. If there were pieces of the draft that were okay they could be sent to the Planning Commission as a standalone piece, similar to what the Board did with Sections 5 and 6.

Commissioner Padgett asked if there was consensus with the existing Section 9 Purpose to add "blending." Everyone agreed.

Commissioner Padgett asked if there was consensus regarding the language about protecting property values. Commissioner Albritton suggested letting the Planning Commission consider it afresh. Deganhart suggested that it be highlighted.

Commissioner Padgett asked if there was still consensus on the current Section 9 to ask the Planning Commission to work on clarification of structures and buildings.

There was consensus.

Commissioner Meinert pointed out that there were separate sections for structures and buildings.

Commissioner Padgett asked if there was still consensus for the Planning Commission to take a look at the four bullet points discussed earlier and to consider if additional roads should be contemplated for visual impact corridors.

Commissioner Albritton clarified that the Commissioners were specifically recommending that the Planning Commission use the four criteria developed today to consider additions to corridors.

Commissioner Padgett asked if there was consensus that the point system had flaws and should be examined to ensure that it achieved blending.

Commissioner Albritton agreed that the concept of blending should be incorporated into the point system and could be a possible compromise.

Commissioner Padgett highlighted that from all sides of the public there was an acceptance that blending was a good thing.

With regard to the point system, Commissioner Albritton asked that the Planning Commission be given the presentation from the ad hoc committee making recommendations on the point system.

Lipton asked to include Paul Christensen's background presentation on the point system.

Commissioner Padgett asked if there was consensus that exemptions may be warranted if there were visual impact corridors that extended into the mountainous areas.

There was consensus.

Commissioner Padgett asked if there was consensus that the point system should simplify any screening criteria in it. Commissioner Albritton suggested that if the concept of blending was put into practice it would diminish the need for screening. Blending would have a heavier weight.

Commissioner Padgett still wanted some incentives for screening. She saw screening as not the most important tool but one that made a difference and did not want to see the incentive to utilize existing natural screening go away.

Commissioner Albritton agreed adding that with regard to the blending concept in the high country, she saw buildings against a cliff face with no screening but that blended fine with texture and materials. She wanted to ensure that Planning Commission would consider that screening could be more visually intrusive.

Commissioner Padgett wanted to ensure blending with screening being more optional.

Commissioner Meinert recalled one area where the Commissioners had discussed a negative aspect of the point system and that was the parcel size. He thought that there had been consensus months ago that parcel size should not make any difference in the point system, or should have a much lower merit in the point system. Commissioner Padgett offered that she was not onboard with that. She reserved her opinion to see what happened during the discussion on nonconforming parcels. She felt that it worked well from her observations in the field and she did not have public input saying that it should go away or that it was a problem with the existing point system. She did not have consensus that parcel size mattered. The Commissioners agreed to let the Planning Commission struggle with that piece.

Commissioner Meinert noted that the only reason that he went back to the point system was because of concern about the subjectivity of blending. If there was a way of removing the subjectivity of blending then the point system was moot.

Commissioner Albritton agreed with his reasoning and wanted to make it a statement that the Planning Commission should work on.

Commissioner Padgett saw it as more multifaceted. The point system also allowed for flexibility in design. It was not just subjectivity but flexibility and a level of predictability of outcome that people and the builders were comfortable with. It was fine for the statement to go forward with consensus but she wanted to allow that there was public comment that the point system allowed for flexibility, predictability and subjectivity to be reduced.

Commissioner Padgett asked if there was consensus on skyline breakage.

Commissioner Albritton explained that she went back and forth on the notion of expanding corridors. She would prefer to leave it that whatever the Planning Commission decided was appropriate corridors would dictate.

Commissioner Meinert recalled a list of concepts that the Commissioners had discussed that may not have consensus but were issues that the Planning Commission should struggle with: 1) peek-a-boo vs. absolute prohibition, which was in the current Code and that he favored; 2) the concept that skyline breakage regulations should only apply to ridgelines and escarpments but not other areas was worthy of discussion at the Planning Commission level; and 3) a definition of ridgeline and escarpment, and the addition of bench.

Commissioner Padgett agreed to forward skyline breakage but wanted to note that there was consensus that there were issues and further discussion was needed on skyline breakage but to keep the ability for a peek-a-boo skyline concept and that there was consensus that Commissioners favored peek-a-boo over an absolute prohibition. Some of the Commissioners felt that skyline breakage was only important with respect to ridgelines and escarpments as a discussion item, and that the definitions of ridgeline and escarpment and bench should be examined by the Planning Commission.

Commissioner Meinert brought up another notion that the 200-foot setback may still have some validity as far as application. He wanted to consider whether there was a scope for saying that skyline breakage would only be considered within 50 to 200 feet of a ridgeline or escarpment. Once outside of that window then skyline breakage would be unnecessary and would eliminate the need for story poles. He was just suggesting that it may be a good discussion to have to start simplifying the implementation and simplifying the work that the building Staff had to do. He was looking at setbacks as they applied to mitigating skyline breakage and he suggested that at a certain setback distance, possibly 200 feet, skyline breakage regulations would no longer need to apply.

Deganhart asked if skyline was broken or setback broken. Why look at it?

Commissioner Meinert explained that he only brought it up because by expanding the visual impact corridors they were creating additional workload for Staff and that may be a way of mitigating the additional workload.

Commissioner Padgett was hesitant to introduce anything new at this point in the process. She asked if he was suggesting that the Planning Commission consider how skyline breakage issues might arise from expanding the visual impact corridors.

Commissioner Meinert acquiesced.

Commissioner Albritton added that there was consensus that the current setbacks were functioning as they were.

Commissioner Padgett suggested that the Commissioners should let the Planning Commission know that Staff had recommended increased setbacks, the Commissioners had deliberated and were comfortable with the current 50-foot setback.

Commissioner Albritton asked Paul Christensen, Ouray County Building Official, if his recommendation of 75 feet was still valid.

Christensen noted that 200 feet was excessive. The reason he went with 75 feet was to increase some sort of defensible space on escarpment edges to bring together the visual impact regulations and fire regulations and have more area to make the two work. He added that when he was evaluating for visual impact compliance as to skyline breakage, the 50-foot setback rule was not always a hard-line number; it was the minimum to bring to the escarpment edge but most of the time the building was pushed back further anyway. He still liked the 75-foot recommendation. It was not hard to comply with but it would not be a hard number that Staff would have to adhere to, there would be some flexibility.

Commissioner Albritton still wanted to see 50 feet; it was working, there was consensus. If there was something to do with fire mitigation it could be a separate discussion as far as visual impact.

Commissioner Padgett asked for consensus to forward on Christensen's statement and consensus that a setback change for wildfire mitigation should be contemplated in any review of that section of Code but that the Commissioners did not feel that setback changes for visual impact mitigation was necessary. There was consensus.

Commissioner Padgett felt that one thing that was definitely broken was the diagram in the current Code. It was confusing. She asked if there was consensus to have Planning Commission recommend some other way to describe peek-a-boo. There was consensus.

Commissioner Padgett asked if there were any consensus points on the review process.

Deganhart pointed out that there were really no parameters currently.

Commissioner Padgett felt that Tier 2 was stated more clearly and she wanted the Planning Commission to consider the submittal requirements outlined in Tier 2.

Commissioner Meinert agreed. There was also some language that the review would be two people from Land Use Staff, not just one. It was good language to send to the Planning Commission to consider.

Commissioner Albritton agreed that it was clearer than what was there now. If they were still talking just about specific visual impact corridors complying she was okay.

Commissioner Meinert addressed the appeal process.

Deganhart pointed out that it was currently in Section 19 of the Code but had been added to the proposed May 18 Draft.

Commissioner Meinert wanted the Planning Commission to consider the appeal process in the May 18 Draft. There was consensus.

Commissioner Padgett noted that the Commissioners had already asked for clarification of structures vs. buildings but felt that there was consensus that there should be separate standards and submittal requirements and maybe a slightly altered process for buildings versus structures versus alternative energy components.

Commissioner Meinert asked where they were going to put in the historical character, and talked at one time of having a historical section.

Commissioner Padgett asked for consensus for an enabling mechanism to allow for historically accurate replicas of agricultural and mining within appropriate zones, and let Planning Commission make a decision as to what that enabling mechanism would be.

There was consensus.

Commissioner Padgett asked that the Planning Commission review all definitions for clarity and applicability. There was consensus.

Commissioner Albritton asked if remodels were in a visual impact corridor where in the Code would they be addressed.

Deganhart replied either Section 9 or nonconforming.

Commissioner Padgett asked that the Planning Commission consider what if any thresholds there should be for that. There were precedents in other parts of the Code and in the building code, and she asked if they should still apply in Section 9 or deviate.

Commissioner Padgett wanted the Planning Commission to take a look at all of the definitions in the current Code and to forward language and definitions that the Commissioners had come up with for their consideration.

Commissioner Meinert noted that Section 9.7 of the current Code, Additional Standards, had been incorporated into the proposed May 18 Draft in Section 9.3.3.

Commissioner Padgett asked if there was consensus that the Planning Commission should consider including additional standards into Section 9 and forward the draft to them to consider.

There was consensus.

Commissioner Padgett thought that it would be helpful to give the Planning Commission the May 27 presentation, the ad hoc presentation, and the broker community presentation, along with minutes of those and from today's meeting.

Ken Lipton asked when the Commissioners thought that Section 9 might be forwarded to the Planning Commission.

He was advised that the resolution would be on the October 25 Board of County Commissioners agenda.

Commissioner Padgett clarified that the earliest that the Planning Commission would see it would be in November.

Commissioner Meinert addressed the expectations as to when the Planning Commission should have a recommendation back to the Commissioners and thought that there needed to be more discussions with Staff on that.

Deganhart suggested a recap at Monday's Board of County Commissioners' meeting of what discussed today.

1:11 The Board of County Commissioners adjourned the work session:

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