

**AGENDA ITEM:****MEETING DATE:** December 15, 2009**STAFF PERSON  
RESPONSIBLE:**Jeanette L. Bare, AICP, Chief Planner  
Kim Scherschligt, AICP, Assistant Director of Development Services**DESCRIPTION:**Final Report and Recommendation of the Rural Framework Ad-Hoc  
Citizen's Committee**SUMMARY:**In accordance with the Board Resolution # R-009-091, the Rural  
Framework Committee (RFC) has completed its final report and  
recommendations to the Board for proposed rural guiding principals  
and regulatory concepts. The RFC process and findings are  
summarized in the attached memo, followed by the full written RFC  
report.**RECOMMENDED****BOARD ACTION:** For informational purposes only.**REVIEWED BY  
THE COUNTY  
ATTORNEY:**

Lance Ingalls, County Attorney

**APPROVED  
FOR AGENDA:**

Terence T. Quinn, AICP, Planning Services Director

**REVIEWED BY  
THE COUNTY  
MANAGER:**

Douglas J. DeBord, County Manager

December 4, 2009

***RFC Executive Summary***

**TO:** Douglas County Board of County Commissioners  
Jack A. Hilbert, Chair

**FROM:** Jeanette Bare, AICP, Chief Planner  
Kim Scherschligt, AICP, Assistant Director of Development Services

**RE:** Rural Framework Committee Report and Recommendations

---

---

**BOARD OF COUNTY COMMISSIONERS MEETING:**12/15/09 @ 1:30 pm

---

---

**EXECUTIVE SUMMARY****PROCESS:**

The purpose of the Rural Framework Planning Process has been to evaluate the County's rural land use policies and regulations as they apply to the nonurban subareas and rural communities of Douglas County. The Board of County Commissioners appointed an ad-hoc citizen committee (Rural Framework Committee) to prepare a set of rural land use recommendations to act as broad parameters for possible regulatory and/or comprehensive master plan policy changes. The scope of work and timeframe were established by Board Resolution in April 2009, with the Rural Framework Committee (RFC) members appointed in May. The process was initially set to conclude with submittals to the Board no later than October 15<sup>th</sup>, 2009, however, this date was extended by the Board to December 15<sup>th</sup>, 2009 at the request of the Committee.

The thirty rural citizens and stakeholders appointed by the Board met multiple times over a 4 month period beginning in late June. In accordance with a defined scope of work, the RFC reviewed existing rural regulations and development trends, defined rural values and visual preferences, studied a number of key rural issues with topical experts, examined alternate rural regulations, and finally, defined a set of rural guiding principals and recommended regulatory approaches for the Board's consideration.

Public input was achieved through several public open houses interspersed throughout the process. Rural Framework agendas, meeting summaries, and other review materials were made available on a dedicated RFC web page. Additional meetings are planned to be held in the Cherry Valley subarea in January to allow the rural citizens in this part of the County to review and comment more directly on the RFC recommendations.

**KEY FINDINGS:**

The values identification and visual preference analysis undertaken by the Committee yielded a key framework for future discussions and recommendations. The Committee noted several rural values that were critical for maintaining quality of life, the most significant of which included:

- Sustainable water supply, both quantity and quality, for rural land uses,
- Environment and natural resource (wildlife, native vegetation, topography, air quality),

- “Dark skies” (limited light pollution),
- Viewsheds, ridgelines, and other visual assets,
- Space and separation between densities, uses and structures,
- Buildings and improvements of a scale and character compatible with the rural context,
- Agricultural and equestrian uses,
- Range and weed management, and
- Historic rural heritage and sense of place

The visual preference analysis supported many of these same themes, indicating a desire to maintain a low-density, agricultural and open space context for the rural communities of the County. The RFC then explored several rural land use issues in depth, with the group particularly interested in methods available for preservation of significant open lands with visual, environmental, and agricultural value. Rural services and infrastructure, sustainable water supply requirements, and adequate public involvement in rural land use decisions were areas of focused discussion. Finally, the RFC considered alternative rural land use regulations employed by other Colorado counties.

### **RECOMMENDATIONS:**

The Rural Framework Committee developed a consensus recommendation that includes the following key principals. A full discussion and additional details of the recommendation are set forth in the attached “Final Report and Recommendation of the RFC” (beginning on page 6):

1. *The County must ensure that a sustainable water supply is maintained for the rural areas of the County.*
- 2A. *Preservation of the remaining agricultural, environmental, wildlife, water, and visual assets within the nonurban subareas of the County is necessary for maintaining existing rural values and quality of life.*
- 2B. *The County should use multiple strategies to preserve the character and continued viability of its rural areas - historic/cultural, agricultural, visual, and environmental qualities.*
- 3A. *The directly impacted rural community should be involved early on and throughout the land use review process.*
- 3B. *Rural land use decisions should be considered and made in the public realm.*
- 3C. *The process steps and approval criteria for different types of rural land use applications should be clearly defined in the regulations.*
- 3D. *Approval criteria should utilize a matrix (or similar) approach in order to properly evaluate and rank a number of different development and preservation scenarios.*
- 4A. *A bonus density approach is not the preferred method for preserving rural quality of life and important open space resources within the nonurban subareas. The County should consider other incentives to encourage clustered development patterns and the preservation of key lands in the rural subareas.*
- 4B. *Should the BCC choose to propose a new bonus density regulation, it should include a number of limitations (detailed in the complete recommendation).*

### **NEXT STEPS:**

The Board will consider the RFC recommendations and provide direction to staff regarding possible policy and regulatory changes. Any proposed changes would be subject to a full public review process.

*Attachment:* Final Report and Recommendations of the Rural Framework Committee

## Final Report and Recommendations of the Rural Framework Committee For Presentation to the Board of County Commissioners December 15, 2009

### I. PROJECT OVERVIEW

#### Background and Mission:

The purpose of the Rural Framework Planning Process has been to evaluate the County's rural land use policies and regulations as they apply to the nonurban subareas and rural communities of Douglas County. The Board of County Commissioners appointed an ad-hoc citizen committee (Rural Framework Committee) to prepare a set of rural land use recommendations to act as broad parameters for possible regulatory and/or comprehensive master plan policy changes as appropriate. The scope of work and timeframe were established by Board Resolution in April of 2009, with the Rural Framework Committee (RFC) members appointed in May. The process was initially set to conclude with submittals to the Board no later than October 15<sup>th</sup>, 2009, however, this date was extended by the Board to December 15<sup>th</sup>, 2009 at the request of the Committee.

The Rural Framework Process was the direct outcome of the Board's decision to repeal the Rural Site Plan regulations found within Section 3A of the Douglas County Zoning Resolution. These regulations, which produced 14 Rural Site Plan approvals since initial adoption in 1995, allowed for density bonus cluster projects within the A-1 zone district when a specific amount of open space was set aside in perpetuity and other criteria were met. The Board stated several reasons for its repeal of the regulations, including the lack of a meaningful public input process, excessive application processing time, small lot sizes being potentially inconsistent with rural character, and confusion between staff and Board roles in the plan review and approval. Infrastructure and service costs also appeared excessive and resulted in project designs which were out of scale with the surrounding rural context.

One of the primary tasks of the RFC was to consider if a new or revised bonus-density cluster regulation could continue to benefit the County, and if so, what the parameters of such regulations should be. In addition, the Committee was directed to look at a broad range of rural land use issues to develop guiding principals, regulatory concepts, and alternative strategies for maintaining the quality of life elements most valued in the rural areas of Douglas County.

#### Scope of Work:

A scope of work was approved along with the Board's Rural Framework Resolution in April and included 9 general tasks (outlined below). The RFC's work to produce a recommended framework of rural guiding principals and regulatory concepts has been the centerpiece of the directed effort, supplemented by general public input received from a series of rural framework open house events and other opportunities presented throughout the process. County staff, along with selected topical experts, has provided technical support and meeting facilitation services to the Committee. Generally, all tasks have now been completed except the ninth, which will be accomplished following the Board's consideration of the RFC recommendations and subsequent direction to staff:

1. Staff/Board present general information about, and solicit initial comments on, the Rural Framework Planning Process - also ensuring that information is available to all interested parties throughout the entire framework planning process.

2. Board appoints members to the RFC from volunteer list supplemented through the open house. Members notified directly and posted on Rural Framework web page.
3. RFC reviews and evaluates the existing framework of rural land use policies and regulations.
4. RFC reviews and evaluates current rural land use patterns and development trends within the various non-urban subareas.
5. RFC defines key components of rural character and lifestyle of greatest value to the community including: cultural, historic, economic, land use types and forms, density, services, open space and the environment.
6. RFC reviews and evaluates specific issue areas as they pertain to the rural/nonurban areas.
7. RFC identifies and evaluates alternative zoning and subdivision code amendments to effectively implement rural land use policy priorities (August/September 2009).
8. Committee prepares a written report of its findings and recommendations to be forwarded to the Board, no later than October (*extended to December 15, 2009*).
9. Staff prepares written zoning and subdivision regulation changes for consideration of the Board, no later than Oct. 15<sup>th</sup> (*this task will now follow the BCC's consideration of the RFC recommendations and subsequent direction to staff*).

#### **Committee Appointments and Rural Staff Team:**

An application for the RFC was handed out at the kick-off Rural Framework Open House, placed on the County's web site, and noted in the local papers. The Board reviewed the applications submitted by rural residents, property owners, and other stakeholders before selecting 30 widely-representative members to serve on the RFC. A RFC web page was linked to the County's web site to provide general information on the rural planning effort including a list of the appointed members, a schedule of current and future meetings, and all subsequent meeting materials. A rural staff team was formed, headed by Jeanette Bare in the Planning Services Division, to help support and facilitate the Committee's directed tasks. The RFC's first meeting was held on June 23<sup>rd</sup> and concluded its final meeting on November 17<sup>th</sup> - with a total of 14 meetings and public open houses accomplished as part of the process.

#### **Existing Rural Framework Analysis:**

At the June 23<sup>rd</sup> meeting of the RFC, the Rural Framework staff team presented detailed information to the Committee on existing land use policies and regulations applicable to rural development (comprehensive master plan, zoning and subdivision resolutions, and other applicable state and federal regulations), along with an analysis of development trends in the non-urban and rural community subareas (land area and population, zoned and subdivided land, number of households, land use type, and other statistics).

A flow chart explaining the County's overall policy, regulatory, and permitting hierarchy was reviewed in some detail. Important distinctions were noted between minimum lot size and gross density measures, as well distinctions between the two "nonurban" categories used throughout the comprehensive master plan: rural (1 du/17.5 acres or greater) and semi-rural (1 du/2.5 - 17.49 acres). The existing rural zone districts include: ER/Estate Residential, RR/Rural Residential,

LRR/Large Rural Residential, and A-1/Agricultura. Within the rural-only subareas (West Plum, Chatfield Nonurban, Indian Creek, and Cherry Valley), it was noted that the 1 du/17.5 acre density could only be achieved through the former Rural Site Plan regulations; otherwise these areas are limited to 1 du/35 acres as allowed through state enabled 35 acre land divisions (SB 35 division), or through the Cluster 35 Plan application process which allows for lot size variation within the context of a 1 du/35 acre gross density.

The demographic component of the presentation provided the Committee with a variety of population and development statistics by rural subarea. Generally, this analysis indicated that the nonurban development trends vary by subarea. Each of the seven nonurban subareas and three rural communities experienced growth in different ways. Using maps that showed development over time, the Committee could see the location and quantity of residential growth from 1980 through 2008. Graphs were presented that showed the number of houses built per decade for each of the subareas. While the Northeast and West Plum Creek Subareas have over 2,500 housing units each, the Northeast Subarea experienced its greatest growth in the 1970's, while West Plum Creek experienced its major growth in the 2000's. Another map showed the location of existing conserved open space, platted lots and housing units by subarea, which in essence served to show the areas still vulnerable/available for future development and/or subject to the recommendations of the RFC.

A number of summary documents and maps were created for the Committee's continued use. Individual binders were provided to the Committee members for the purpose of gathering all the materials provided at future meetings.

### **Rural Values Identification:**

At its July 14<sup>th</sup> meeting, the RFC undertook two extensive rural character and lifestyle value exercises prepared by the Rural Framework staff team - a visual preference analysis and a rural values prioritization small group discussion. The results of both exercises indicated similar findings surrounding the most important elements of rural lifestyle and character (*attached to this report and summarized below*).

Visual Preference. The visual preference analysis involved a PowerPoint-like slide series, utilizing 4 key questions and 170 photographs designed to represent a variety of land use types, densities, architectural styles, rural activities, open space and environmental features, rural services, and cultural/historic facilities. Photographs were principally taken by staff on extensive site tours of the rural areas, but were also solicited from and supplied by the RFC members. Using a software package borrowed from the D.C. School District, members were able to vote on (indicate positive or negative preference) and have result tallies immediately displayed on the screen for each slide/photo. Staff subsequently prepared a visual and written summary of the results.

Results of the survey indicated a significant amount of consensus around the core values of continued ranching and farming uses, environmental and natural resource preservation, and activities and uses of a scale and character consistent with the rural context - more informal, quiet, historic, and native in appearance. Expected uses and services necessary to support the rural lifestyle were deemed appropriate, except in cases where visual, noise, traffic or environmental impacts were generally more significant. The group valued infrastructure of smaller scale and rural appearance, recreational opportunities involving the natural environment, and commercial uses linked to agriculture.

Preferences for residential densities and layouts were mixed. Generally, traditional 35-acre developments were supported. In addition, the group preferred homes that were screened, located below the tops of ridgelines, and combined with and/or located adjacent to agricultural uses. Residential design elements which promote visual compatibility - limited lighting, native landscaping, traditional architecture, smaller scale and careful placement - were supported when contrasted with less sensitive design. Environmental compatibility and the preservation of key natural resources, including water, was another strong theme identified through the voting results.

Values Prioritization. Following the visual preference analysis, the Committee broke into small groups and undertook a structured discussion in order to prioritize the elements of rural living that they valued most. Following extensive discussions, each of the 5 groups verbally presented their findings to the Committee. Staff subsequently prepared a written analysis and summary of the Committee's values prioritization exercise, which the Committee reviewed as a whole and refined at the July 28<sup>th</sup> RFC meeting.

The groups noted the interdependence of all the rural issues and elements discussed, however, the two issues identified as most critical for maintaining rural lifestyle were: ensuring the provision of a sustainable water supply, both in terms of quantity and quality, for the County's rural residential and agricultural land uses; and the preservation of the environmental and natural resources found in the rural areas of the County (wildlife, native vegetation, topography, and air quality).

The groups also felt it important for the County to craft better review criteria (more stringent and innovative) and processes (more public input) in order to determine appropriate rural land use densities and patterns. Subarea policy distinctions for land uses and density were also noted as an important component of any change in land use regulations.

All groups strongly emphasized rural quality of life factors and the need to provide appropriate safeguards for ensuring public safety in the rural areas. The most important elements of rural quality of life included: the preservation of the area's "dark skies" (limited light pollution); viewshed and ridgeline protection; adequate space and separation between densities, uses and structures; and buildings and improvements of a scale and character compatible with the rural context. Quality range/land management, with better weed enforcement, was identified as critical for ensuring the future success of agricultural uses.

Public Surveys. Results of both exercises, along with the existing rural regulatory framework and trends analyses, were presented at the second open house held on August 5<sup>th</sup>. A rural values survey was developed and provided to the general public at the open house and at the Douglas County Fair. Results of the public survey generally matched those of the RFC members, the results of which are included in the report's supplemental materials.

### **Topical Work Sessions:**

Based upon the values assessment component of the Committee's work, topical work sessions were held to provide necessary background information on key topics and prompt further discussion. At its July 28<sup>th</sup> meeting, the RFC reviewed and evaluated issues pertaining to open space and environment/natural resources. Experts from the Committee's membership, along with selected agencies and staff, presented information and helped answer questions and facilitate discussion. At the August 11<sup>th</sup> meeting, rural services were reviewed and discussed. Staff members from the Rural

Framework team (engineering and building) presented the County's standards and criteria for rural roadway, grading and drainage, building, driveway, and wildfire mitigation plans. At its August 25<sup>th</sup> meeting, the Committee considered sewer and water issues. A representative from Tri-County Health discussed septic system management issues. Rural Water Authority members, also on the RFC, discussed the role of the new Authority and efforts to better define sustainable water supply.

### **Public Communication and Open Houses:**

A public kick-off open house was held in May. Several venues were used to publicize the event that was attended by approximately 80 individuals. Information about the process was shared at the open house, initial rural values solicited, along with opportunities for staying involved and informed throughout the planning effort.

A Rural Framework web page was created to disseminate information and house all materials for the planning effort. Additional outreach was made through press releases, e-blast mailings, and the RFC member contacts to draw more rural citizens to the second open house held on August 5<sup>th</sup>. The third open house, operated in a town hall format, was subsequently run in three parts as more of the rural community became aware of the planning process underway - a general open house on September 29<sup>th</sup>, another in response to the attendance of several Cherry Valley residents on October 6<sup>th</sup>, and a final open house directed to the West Plum Creek Indian Creek Subarea residents on October 27<sup>th</sup>. In addition, Commissioners Board and Hilbert met with a large group of Cherry Valley residents that attended an RFC meeting on October 13<sup>th</sup>, to answer specific questions about the rural planning process as it might affect this area of the County. Additional meetings have been scheduled for January to specifically gain feedback on the RFC's recommendations from these residents.

In response to concerns that typical information sources did not work well in the rural communities, the Public Affairs Division developed a Cherry Valley eblast list, as well as dial-up internet web page to better accommodate rural residents not having access to high-speed internet service extensions in their areas. Future communication efforts will use local schools, fire stations, and other local gathering venues to post and distribute flyers with updated information on rural planning meetings.

### **Regulatory Alternatives Assessment:**

The RFC reviewed the regulatory elements and outcomes of the former Rural Site Plan regulations, as well as other possible alternatives to state enabled, unregulated 35-acre land divisions. Staff prepared a summary of the County's 14 approved Rural Site Plans including: subarea location, types of services, open space acreage and type of preservation, number of lots, lots sizes, and buildout rates (approximately 23% build out, as compared to 50 - 60% for 35-acre divisions). In addition, staff prepared a matrix summarizing cluster and bonus density regulations from other Colorado counties. The Committee also overviewed relevant articles and regulations concerning transfer-of-development rights (TDRs). Several insights were gained from this review: most counties utilize subdivision regulations to house their cluster/bonus-density processes, Planning Commission and Board of County Commissioner hearings are typical and neighborhood meetings mandated in certain instances, minimum lot size was often established, and there were innovative approaches used in the review process - in one case, a rural land use advisory board was utilized; another code used a detailed approval matrix for assessing a project's compliance with stated criteria. The County of Boulder has successfully used its TDR regulations as implemented through IGA amendments with its towns; however, other TDR reviews indicated that such systems can be difficult where a comprehensive master plan and PD zone districts have already accommodated planned (maximum) densities for a particular region.

### Development of Guiding Principals and Regulatory Concepts:

The Committee began looking at guiding principals, regulatory concepts, and action items in September. The members focused on general guiding principals, developing "points of agreement", along with two divergent positions regarding the use of incentives - one favoring bonus-density incentives/regulations, and the other favoring alternative approaches and non-density bonus incentives. Following a series of votes, and further consideration, the Committee was able to reach general consensus on a recommendation which broadly defines important strategies for maintaining rural values. While the majority did not favor utilizing a density-bonus approach to preserving open space and agricultural lands as a first priority, the group did define some basic parameters for such a regulation if the Board selected this approach. As a final element for consideration of its recommendations, a draft (sample-only) approval matrix was developed by staff to give the members a more concrete example of the type of weighted, criteria-based review system that could be put in place to assess new rural (density-bonus) subdivisions or other types of rural land use applications.

## II. RFC RECOMMENDATIONS

**Full Committee Consensus Recommendation** (see also October 27<sup>th</sup>, November 10<sup>th</sup> and 17<sup>th</sup> Meeting Summaries for discussion and voting details):

The following represents the Committee consensus on a recommended rural framework. Though presented with and discussing more detailed concepts throughout the effort, the Committee (with 20-24 in regular attendance) found it necessary to focus on bigger principals in order to make a cohesive recommendation to the Board. The members recognize, however, that developing proper details for such a framework is critical for effective implementation. Several members have expressed a willingness to continue working on specific elements of the recommendation, should the BCC desire their continued input. These members have devoted hundreds of collective hours becoming educated on rural land use issues and grappling with its many complexities.

The italicized text that is included after each topic area provides some further explanation of the recommendation (by staff), but is not a formal part of the recommendation as approved by the Committee.

### Recommended Rural Framework Principals and Regulatory Concepts

#### I. WATER

*Discussion summary - Water was considered the number one value to be protected in the consideration of new development regulations for the County. Though not charged with reviewing the provisions of the County's water supply regulations (aka, "18-A"), the Committee felt that it was important that the Board consider refining these regulations to increase the potential for a long-term, sustainable water supply for existing and future residents of the County, and that any bonus-density or density-transfer regulations not result in the further depletion of nonrenewable water supplies. In general, the group also felt that establishing minimum well separation standards for all water margins in the County (exempt and nonexempt wells) could add another layer of protection for rural residents. The Committee acknowledged the importance of increasing the availability and use of renewable (sustainable) water supplies throughout the County, particularly to meet the*

*large urban demand segment. The Committee supported the Rural Water Authority's efforts to better define rural water demands through pilot monitoring projects or other means.*

*The most significant recommendation for any type of change to the County's rural land use regulations was to require that all applications conform/be subject to the requirements of 18-A, given that the land use process established for Rural Site Plans was not subject to 18-A provisions (being not considered either a rezoning or subdivision). There was some discussion concerning how other types of development not subject to planning review, such as 35-acre divisions, could be covered by the County's existing or amended water supply requirements.*

1. The County must ensure that a sustainable water supply is maintained for the rural areas of the County.

1. Amend the County's Water Supply Regulations (18A) to more specifically define and ensure long-term water sustainability for the County.
  - County should take all steps possible to ensure that existing water supply resources within each nonurban subarea are preserved for continued agricultural and rural-density residential uses.
2. All rural land use applications should be subject to the County's water supply criteria and regulations.
  - County should support the work of the Rural Water Authority as it seeks to address the long term water needs of the rural community.

## II. RURAL VALUES

*Discussion summary - In addition to water, the group identified several key components of the rural environment and lifestyle that should be the focus of directed County efforts to preserve and enhance: agricultural heritage and uses, including preservation of historic structures; environmental resources including natural topography and vegetation; wildlife habitat areas and movement corridors; and visual assets such as ridgelines and other natural landforms, open vistas, mountain backdrops, dark skies, and the general appearance of low density development patterns. Finally, the importance of effective transitioning and buffering of unlike densities was identified as critical for preserving the quality and character of existing rural/semi-rural neighborhoods.*

*The group supported the use of multiple strategies to protect rural values. Several recommendations build upon existing regulations and strategies already in place. There was strong support for the continued use of the Cluster 35 Plan process as a way of preserving larger tracts of land and limiting areas of built disturbance. The group felt that the Cluster 35 process, while kept streamlined to encourage its use, should be amended to allow for BCC review and approval of such plans within the context of a publicly-notice land use meeting. Standards for roads and other types of infrastructure should not detract from their rural context; not appearing as or encouraging an urban/suburban "feel".*

*The Committee supported the County Open Space Advisory Committee's (COSAC's) success in preserving open space through the purchase of land and/or conservation easements, and*

would like to see this program continued through the pursuit of an open space sales tax increase/continuation at an appropriate time. Education and support of efforts on the part of private individuals to preserve their lands through conservation easements or other means should be continued as a concerted County program. Better control and enforcement of the County's de-vegetation and weed regulations were identified as critical for maintaining the viability of agricultural uses in the rural areas - starting with better weed management of County-owned properties.

Though not in total agreement as to the best manner of controlling visual impacts, the Committee generally felt that the County should undertake the necessary studies to identify and prioritize its key visual assets - County wide, not just in the rural areas. In addition, the group supported residential lighting controls to protect its "dark skies", as well as controls on the amount of irrigated landscape area on any given lot in order to preserve the natural vegetative appearance of the environment, as well as to preserve scarce water supplies. Historic preservation efforts aimed at better identifying key assets should be fully supported as part of a strategy to maintain each rural community's unique "sense of place".

One of the ways quality of life is maintained within the context of a changing County is at the most visible "edges", or points of transition between lower-density rural neighborhoods and more intensive uses and densities. The RFC supports a revision of policies and IGA provisions to establish more specific criteria and measures of neighborhood compatibility between existing rural and semi-rural uses and proposed urban developments.

2A. Preservation of the remaining agricultural, environmental, wildlife, water, and visual assets within the nonurban subareas of the County is necessary for maintaining existing rural values and quality of life, AND

2B. The County should use multiple strategies to preserve the character and continued viability of its rural areas - historic/cultural, agricultural, visual, and environmental qualities.

- Continue to allow for 35-acre cluster plans per existing County regulations, amended to replace administrative approval with BCC approval at a noticed public land use meeting.
- Develop/utilize rural road standards which are compatible with the rural environment.
- Strategically pursue a sales tax increase in order to provide revenue for additional open space/conservation easement acquisitions (COSAC administered) of critical lands.
- Rigorously enforce its animal and weed control regulations to reduce the negative impacts of over-grazing, de-vegetation, and noxious weed invasions.
- Seek ways to educate the public regarding the tax benefits of voluntary (non-purchased) conservation easement donations.

- Continue to support the efforts of the Historic Preservation Board to inventory County historic resources and secure their preservation through a variety of measures.
- Consider adopting rural residential lighting and irrigated landscape restrictions (in zoning) to be enforced through the building permit process.
- Undertake a study to evaluate and prioritize the County's important visual assets, including a map and associated policies to be incorporated within the County's Comprehensive Master Plan. This tool would inform and guide all future land use process reviews.
- Develop specific use, density, and other design standards to ensure more effective buffering of rural and semi-rural densities from proposed urban densities. Implement through amendments to County/Town IGAs and other planning documents.

### III. PUBLIC PROCESS

*Discussion summary - One of the BCC's renewed commitments is public transparency and accountability via "open and informed" decision-making processes. The RFC supports meaningful public involvement as key to successful, community-sensitive land use planning. As part of the recommendation, the Committee identified the need to involve the impacted community much earlier in the land use process, as well as at key points of applicant re-submittals and responses. All significant land use decisions should be made within the context of a public meeting/hearing by elected or appointed officials. Administrative decision-making should be minimized.*

*The Committee also discussed the need for more detailed, but site-responsive, approval criteria to be developed within the County's rural land use application processes/regulations - to give both the public and developer clearer understanding as to the requirements and process to be followed. As demonstrated through the RFC process itself, better methods need to be established to communicate with the rural citizenry regarding proposed applications, changes to plans, and other land use matters of potential concern. When defining the affected community, the group did feel it important to limit public notice and outreach to adjacent or nearby property owners within a reasonable distance of a proposed application.*

*There was some discussion concerning the usefulness of instituting a Douglas County Rural Citizen's Land Use Advisory Board (or similar name) to more directly represent the rural community in the review of rural land use applications or other types of planning efforts/studies. The group did not reach consensus on this issue, however, with some feeling that such a board might constitute yet another layer of government.*

3A. The directly impacted rural community should be involved early on and throughout the land use review process, AND

3B. Rural land use decisions should be considered and made in the public realm, AND

3C. The process steps and approval criteria for different types of rural land use applications should be clearly defined in the regulations, AND

3D. Approval criteria should utilize a matrix approach in order to properly evaluate and rank a number of different development and preservation scenarios.

- Notice should be given to the adjacent/surrounding neighborhood to provide for early public input. Priority should be given to participants from the affected neighborhood/rural subarea.
- The PC should recommend, and the BCC make the final determination on rural land use applications in a public meeting or hearing venue.
- New (more effective) mechanisms should be explored to notify the rural community of pending land use applications in their areas.
- Regulations should clearly define the expected submittals, review process steps, and approval criteria - while allowing for site and development-specific considerations.

#### IV. DENSITY BONUS

*Discussion summary - This element of the recommendation was the one with the least amount of consensus and it is, therefore, structured somewhat differently than the prior recommendations. The majority of RFC members (in regular attendance of the meetings), did not support a density-bonus regulation as an appropriate mechanism for accomplishing open space, environmental, and agricultural land preservation. These members supported the use of alternative approaches and non-density incentives. Several others on the Committee saw density bonuses as necessary to provide large landowners with an incentive to undergo a planning application process and preserve desirable open lands. To best represent the entire group, it was agreed to state a preference for other types of non-density incentives as a first priority, while setting forth acceptable parameters for a new density-bonus regulation should the Board want to consider this approach.*

*The non-density recommendation focuses on encouraging the use of the existing Cluster 35 regulations, refining or adding rural design standards to the existing rural zone districts, participation in state or federal programs aimed at preserving agricultural uses (such as the Land-Link program), continued use of open space or conservation easement purchases, and further studies to identify key visual assets for possible future regulation.*

*The parameters for density bonus regulations include: making such applications subject to the County's existing, or amended, water supply regulations to ensure sustainability; requiring early and ongoing public input and PC/BCC public hearings and decision making; "earned" density bonuses with actual density varying based upon the public value associated with the open space or asset being preserved along with the quality of the development proposal as measured against a weighted approval matrix (or more definitively stated criteria); and a density bonus cap and minimum lot size to be established in the regs (along with possible minimum well-spacing standards).*

*The group could not recommend a specific density bonus cap for a few reasons: 1) lack of consensus on what the cap should be, some supporting no bonus with others supporting 100% or more, 2) difficulty in defining a cap without knowing what the impact might be on a project's economic viability, and 3) the possibility that permitted bonuses should vary by subarea/water margin location. When discussing the former RSP process, members seemed most concerned that the 100% bonus had become an "entitlement" and that the approval criteria were not specific enough to achieve appropriate designs, or were wrongly applied/implemented with respect to certain projects. Larger projects with multiple bonus (visible) lots were seen to undermine rural character. The Committee felt that if a bonus-density system were ever to be developed again, it would be best applied to properties having major open space/agricultural value to the County and where the impacts (visual, water and otherwise) of the additional clustered lots could be fully mitigated.*

*The Committee also did not establish a formal minimum lot size recommendation, although 5 - 10 acres was commonly mentioned. Some of the reasons for the lack of consensus are similar to that of the density bonus cap - it may be difficult to define for all projects, and may be better left to the consideration of the site specific conditions. Minimum well spacing requirements, if established, would require a 5 - 10 acre minimum lot size, however.*

**4A. A bonus density approach is not the preferred method for preserving rural quality of life and important open space resources within the nonurban subareas. The County should consider other incentives to encourage clustered development patterns and the preservation of key lands in the rural subareas. Such incentives and approaches could include:**

- County technical support for developing roadway and required management plans for Cluster 35 Plans,
- Changes to rural zone district regulations to better protect key rural values such as ridgeline views, dark sky preservation, and water conservation and sustainability.
- Evaluate and better define the key visual assets to be protected in the nonurban areas of the County.
- Innovative programs, tax incentives, and other mechanisms for preserving active agricultural use for the next generation.
- Strategically-timed support for a sales tax increase for additional open space and conservation easement purchases of key open lands.
- Develop more effective non-urban/urban buffering standards.

**4B. However, should the BCC choose to propose a new bonus density regulation, it should include the following limitations:**

- A sustainable water supply must be provided and appropriately verified in accordance with the County's water supply overlay regulations as a first step in the bonus-density eligibility process.
- The level of density permitted should not be an entitlement, but rather a variable "privilege" based upon the value of the visual, environmental, or agricultural assets of the land to be preserved, the ability of the development to meet defined approval criteria, and the limitations of the available water supply.
- The allowed density bonus for any specific project should be variable based upon the public value of the open space or other resource being preserved, as well as

the quality of the overall project design. A maximum density bonus cap should be established in the regulation.

- The amount of open space preserved should generally not be less than 67% of the total site acreage. Open space/open lands to be preserved should be contiguous and unfragmented, with quality of land being of equal importance to that of its quantity as should be reflected in an adopted approval matrix.
- A minimum lot size should be established with clear guidelines for appropriate buffering/transitions at shared property boundaries. Such lot size should provide for a minimum 600' well separation to protect future residents.
- Water, traffic, emergency services, and school impacts must be fully identified and mitigated with all proposals
- 18-A Standards (the County's water supply regulations) must be applied to any bonus density project.
- Bonus density plans must involve the maximum extent of public participation possible, early on and through the process and involve both PC and BCC public hearings.

**Other regulatory options discussed.** The following options were not selected for inclusion in the final RFC recommendation. They are included here for purposes of discussion/background only.

Regulation (through zoning) of 35-acre land divisions. This concept was discussed, but most were skeptical as to the rural community's tolerance for new regulations that might require 35-acre divisions to go through a formal land use application/planning process in order to obtain residential or other types of building permits. It was noted that Elbert County and certain other western states, have imposed higher minimum lot sizes for residential development in rural areas: 60 - 100+ acres, rather than 35 acres. Generally, it was felt that any changes that could affect the minimum acreages of unregulated land divisions should be addressed at the state level where the statute originated.

The Committee felt that some additional restrictions (lighting, landscaping, ridgeline, well separations) added to the standard rural zone districts (if implemented only at the time of building permit) would be appropriate and acceptable, however. Others noted that the rural community generally wanted to be left alone in terms changes to any existing regulations.

Transfer of Development Rights. The Committee had voted against including a recommendation to study/evaluate TDR regulations as a method of preserving open space and/or agricultural lands in the rural areas (9 for TDRs, and 11 against). However, at the final meeting the issue was raised again and it was decided to include a brief statement about TDRs - separate from the formal recommendation.

Most Committee members present at the final meeting felt that TDRs were undesirable, or at least of lesser priority, to use as a possible preservation mechanism - most notably due to the lack of appropriate receiving sites. The County's efforts would best be focused on the other options identified in the recommendation. A few members felt quite strongly that TDRs were a good concept to explore, based upon their effective use in other Colorado counties, and should be recommended as a specific action item for the Board to undertake. Others expressed the opinion that TDRs might be worthy of further study. Those concerned with the TDR concept would only consider this option if:

- 1) Receiving sites would not be so located as to result in negative impacts to existing semi-rural neighborhoods by directing denser development adjacent to such areas,
- 2) TDRs would not increase water demands through density increases, or shift water demands to more constrained water margins,
- 3) TDRs would be subject to a fully transparent public process to avoid possible abuses, and
- 4) TDRs would otherwise be feasible to implement through County/Town IGA amendments or other means.

### **Individual Member Recommendations and Comments:**

Individual members were invited to submit additional thoughts and comments as part of the final RFC report. Those received to date are attached. Members will also be making comments as part of the formal presentation to the Board on December 15<sup>th</sup>.

### **III. NEXT STEPS**

There are two meetings scheduled in the Cherry Valley subarea to present and receive feedback on the RFC recommendations: January 13<sup>th</sup> to be held at the Franktown Fire Station and January 20<sup>th</sup> to be held at the Cherry Valley Elementary School. Both meetings will be held from 6 - 9 pm. Following these meetings, the Board will direct the staff as to the next steps to be taken to implement the recommendations of the Committee. If revised comprehensive master plan policies or zoning and subdivision resolution amendments are proposed, such changes would be subject to a full public referral, notice, and hearing process as required for all such amendments.

There will also be a presentation by the Rocky Mountain Farmers Union to the County in January or February concerning their efforts to establish a "Land Link Program" for the State in an effort to match retiring ranchers/farmers with those interested in leasing the land for continued agricultural uses. Several RFC members have indicated that they would be willing to continue working on this and other action items identified in the recommendation.

Information on all future meetings and work sessions will be posted on-line and distributed through the County's eblast notification system.

### **IV. ATTACHMENTS:**

- Rural Framework Committee Recommendation (no explanatory text)
- Individual RFC Members' personal comments to the Board
- Board Resolution
- RFC Member List
- Rural Framework Map (study area)
- RFC Meeting Schedules
- RFC Visual Preference Assessment, Results and Summary
- RFC Values Prioritization Exercise and Summary
- RFC Meeting Summaries (re: recommendation voting/discussion) - Oct. 27, Nov. 10<sup>th</sup>, and Nov. 17<sup>th</sup>
- Supplemental Materials List - including all meeting agendas, summaries, and discussion/presentation materials used by the Committee (available on the web, or on CD by request.)

## SUPPLEMENTAL MATERIALS

### Rural Framework Committee Recommendation (available on the web or CD)

#### Rural Framework Planning Process Background Materials:

- Rural Framework BCC Resolution
- Rural Framework Scope of Work
- Rural Framework Map (rural areas and communities)
- Initial Kick-off Open House Materials (Including Rural Framework Committee Application)
- Open House Values Summary
- Rural Framework Committee Appointment Letter and Member List
- Rural Framework Committee Meeting Schedule
- Rural Staff Team List

#### Rural Framework Committee Meetings and Open Houses - Agendas, Meeting Summaries, Presentation and Discussion Materials:

- RFC Meeting - June 23, 2009
- RFC Meeting - July 14, 2009
- RFC Meeting - July 28, 2009
- Rural Framework Open House #2 and following RFC Meeting - August 5, 2009
- RFC Meeting - August 11, 2009
- RFC Meeting - August 25, 2009
- RFC Meeting - September 5, 2009
- RFC Meeting - September 22, 2009
- Rural Framework Open House #3 - September 29, 2009
- Rural Framework Open House #3 (repeated) and RFC Meeting - October 6, 2009
- RFC Meeting - October 13, 2009
- Rural Framework Open House #3 (repeated) and RFC Meeting - October 27, 2009
- RFC Meeting - November 10, 2009
- RFC Meeting - November 17, 2009