



**CHAFFEE COUNTY COLORADO
RESOLUTION NO. 2008-69**

**ADOPTING THE NOVEMBER 17, 2008
CHAFFEE COUNTY CITIZEN'S LAND USE ROUNDTABLE RECOMMENDATIONS
AND DIRECTING STAFF REGARDING LAND USE CODE UPDATES**

FINDINGS AND CONCLUSIONS:

WHEREAS, the Land Use Act (C.R.S. § 29-20-101 et seq.) and the County Planning Code (C.R.S. § 30-28-101 et seq.) authorize county regulation of land use in the unincorporated areas of the county.

WHEREAS, Chaffee County has experienced population growth of more than 60 percent since 1970, that substantial further growth is anticipated, and the makeup of the county demographics and related economic issues have changed significantly through the addition of new industries, such as recreation and second-home ownership, from the previous economy which was primarily agriculture and mining.

WHEREAS, in 2000 the Chaffee County Commissioners ("BoCC") adopted the Chaffee County Comprehensive Plan through a series of public meetings. Further, the Comprehensive Plan called for incentives to developers for creating open space and clustering of home sites and a focus on keeping agriculture viable.

WHEREAS, in a memo dated September 2, 2002, the BoCC directed the Planning Commission to update the County Land Use Code to reflect the Comprehensive Plan adopted in 2000. Between 2001 and 2004, the County adopted many regulatory updates with regards to subdivision development and residential development standards. However, the County's Zoning Resolution has not been significantly updated since its adoption in 1974, other than a decrease in minimum lot size in the Rural Zone from 35 acres to the present 2 acres/5 acres in 1990. Furthermore, the Zoning Resolution does not consider substantial population growth, economic, cultural changes since such time and conflicts with the updated subdivision regulations. Accordingly, in 2004, the Chaffee County Planning Commission began an update of the County's Zoning Resolution.

WHEREAS, beginning in late May 2005, the Planning Commission and the County's land planning staff held numerous meetings and presentations to encourage discussion of the proposed regulations. Information including maps, and text Maps and text summaries were published in the Mountain Mail and the Chaffee County times, and were also posted at a number of public places throughout the county, including the post offices, county offices and annex, and libraries. Information was also posted on the county website. County staff and Planning Commission members also spoke on the radio, and gave numerous presentations to civic groups and at other public meetings in order to generate public comment.

WHEREAS, in July and August of 2005, the county staff caused to be mailed to every landowner in unincorporated Chaffee County a notice of two forums, in Buena Vista at the Sangre de Cristo meeting room to be held on August 15, 2005, and in Poncha Springs at the

Chaffee County Fairgrounds to be held on August 17, 2005. These forums were held in advance of a Planning Commission public hearing on the proposed changes to the zoning regulations and map on September 1, 2005. The September 1 meeting was noticed in the mass mailing, and also in the Mountain Mail and Chaffee County Times, both newspapers of general circulation within Chaffee County.

WHEREAS, The Planning Commission's Public Hearing on September 1, 2005 was held for the purpose of receiving public comments regarding proposed amendments to the zoning regulations, and was continued from September 1 to September 8, then to September 15, then to September 27, then to October 13, then to October 25, at which time the Planning Commission directed staff to prepare a revised draft proposal reflecting a number of the comments received during the public hearing process. The October 25, 2005 meeting was continued to November 17, 2005, at which time the Planning Commission adopted resolutions recommending changes to the County's land use code, particularly Chapter 1 (general administration), Chapter 2 (residential development standards) and Chapter 7 (zoning) and a new zoning map.

WHEREAS, at a meeting held on February 8, 2006, the BoCC considered the Planning Commission's recommendations from November 17, 2005. Numerous citizens expressed competing statements both written and verbal; a number of citizens spoke against the adoption of the proposed revisions as presently drafted at the February 8 public hearing, while at the same time the Commissioners received many written and oral statements in support of the proposed regulations.

WHEREAS, in March 2006, pursuant to Resolution 2006-14, the BoCC found that the proposed amendments did not completely satisfy citizens' concerns and comments and that there needs to be more focus in the County's land use codes on keeping agriculture viable, as called for in the Comprehensive Plan. The BoCC did not adopt the Planning Commission's recommendations and directed staff to "arrange for numerous focus groups and other information gathering techniques" in order to better incorporate public comment in an updated version of the Land Use Code.

WHEREAS, the BoCC initiated a process to develop greater public participation in the Land Use Code update process. The BoCC hired Community Matters, Inc., land planning consultants, to initiate a process where the public was invited to participate in a series of interviews designed to solicit the public's concerns and comments. On April 27-29, 2006, 65+ Chaffee County community members, County Commissioners, County planners and engineers, ranchers, landowners, developers, environmentalists, business, and agency personnel met in a workshop conducted by Bob Chadwick with Consensus Associates. During the workshop, participants developed a short-term purpose that could serve for an immediate focus, worked on an initial long-term vision statement to provide purposeful direction for land use planning and zoning, and developed some first strategic steps to move towards that vision.

WHEREAS, following the workshop, over 200 members of the community (including participants in the workshop) were invited to participate in numerous focus groups interviews and meetings. Announcements of the meetings were also given to the general public through the newspaper and radio. The process further explored the participants' visions for the County,



concerns, and suggestions. Educational presentations were also given to familiarize the participants with the current regulations, as well as potential land planning tools. The focus group spokespersons met numerous times together as a group (referred to as the "Roundtable") to further explore policy and direction. In July 2007, the County engaged Marjo Curgus with the Sonoran Institute to facilitate the meetings and help the groups collaborate to come to consensus on land planning issues. The Sonoran Institute was recommended by all the focus groups spokespersons, with the exception of the real estate focus group spokesperson.

WHEREAS, since April 2006, over fifty, focus group and Roundtable meetings have been held. The meetings were publicized periodically in the local newspapers and on the County website. There has been active participation from nearly eighty citizens as well as local officials. There have been numerous land planning workshops sponsored by the County as well as private citizens in order to better inform and educate the public on the consequences of poor land planning with options to encourage commonly-accepted land use principles. Some participants were involved in portions of the process, but approximately thirty-seven individuals attended the majority of meetings throughout the entire two and one-half year process.

WHEREAS, the County published numerous articles in the Mountain Mail and Chaffee County Times on the activities and deliberations of the Roundtable and focus groups meetings in order to keep the citizens of Chaffee County informed on the process.

WHEREAS, the diverse group of citizens comprising the Roundtable and focus groups has worked together to develop recommendations to improve County land use patterns and procedures. The first version of the land use classifications was made publicly available on January 15, 2008, and these land use classifications and corresponding map have been updated based on citizen participation at those meetings. The first version of the Citizen's Recommendations, including land use classifications, was made publicly available in March of 2008 (dated April 2008). On November 13, 2008, the Roundtable finalized their recommendations in the form of broad policy statements that reflect substantial conversations regarding their intent ("Roundtable Recommendations"). The Roundtable Recommendations include potential land use classifications that will form the framework of a zoning map, a draft land use map, and a density proposal summary. The Roundtable Recommendations do not include specific changes to the land use code; rather, they provide a framework for the land use code update. The final Roundtable Recommendations were distributed to Roundtable members, and have been available at the County offices and on the County website since completion on November 17.

WHEREAS, based on the Roundtable meetings and further study, facilitators and county staff presented a draft density proposal of 1 unit per 10-acre minimum lot size as a use by right in Rural (RUR) and Backcountry (BAC) zone designations, with a clustering option resulting in a much lower achievable density. Many of the focus groups thought that a base density of 1:35 or 1:20 was more appropriate in order to truly provide an incentive to cluster. At a focus group meeting on October 29, 2008, the Agriculture Focus Group indicated they were willing to agree to a base density of 1:5, so long as they could still get to an achievable density of 1 unit per 2 acres. The other focus groups (except for Real Estate) preferred a higher base density, but were willing to agree to a 1:5 base density in deference to the Agriculture Focus Group. However,



after their initial agreement on October 29, 2008 to go with a 1:5 base density, the Agriculture Focus Group rejected it at the final November 13, 2008 Roundtable meeting. Thus, the density issue has been unresolved by the Roundtable members. The Agricultural Focus Group has since indicated that they were amiable to a 1:3 base density, but no other groups have expressed concurrence. Currently, property zoned Rural or Recreational has a 5-acre minimum lot size if the property is used agriculturally.

WHEREAS, the Chaffee County Planning Commission at two November work sessions and on the November 25, 2008 regular meeting, discussed the Roundtable Recommendations, including the ten land use recommendations, land use classifications, a Future Land Use Map and density proposals. The Planning Commission's formal comments were presented to the BoCC in a Memo dated December 2, 2008. The majority of Planning Commissioners recommended a base density of 1 unit per 5-acre minimum lot size as a use by right in Rural (RUR) and Backcountry (BAC) zone designations, with a clustering option resulting in achievable density of 1 unit per 2 acres. Two of the three Planning Commissioners who dissented recommended higher base densities (i.e. 20 acres and 35 acres in RUR and BAC zone designations). The third dissenting Planning Commissioner recommended a lower base density (1 unit per 2-acre minimum lot size in RUR and BAC).

WHEREAS, on December 16 and December 17, 2008, the BoCC held public hearings, in Buena Vista and Salida, respectively, to discuss and consider adoption of the Land Use Roundtable's Recommendations, the Planning Commission's recommendation and Planning Staff recommendations. To ensure adequate public input, the BoCC held three special work sessions on December 4, 2008, December 8, 2008 and December 9, 2008. The December 8 and December 9 meetings and the December 16 and December 17 hearings were publicized in the Mountain Mail and Chaffee County Times, both newspapers of general circulation within Chaffee County. In addition, Roundtable and focus group members and planning commission members received separate notice of the hearings and meetings.

WHEREAS, on December 9, 2008 representatives of the water focus group asked that their recommendations be promptly implemented regarding a requirement that a 100-year sustainable water supply be shown during subdivision review. This detailed verbiage, however, was not set forth in any of the Citizens Recommendation reports due to a lack of sufficient data, and therefore, the BoCC does not intend to adopt such a proposal at this time.

WHEREAS, the proposed land use classifications and corresponding map will require additional public input prior to its adoption.

WHEREAS, the people of Chaffee County have had significant and substantial opportunity to participate in the formulation of the Roundtable Recommendations, which were created using a consensus process format.

WHEREAS, the Roundtable unanimously concluded, and the BoCC finds that the County's agricultural lands and water resources are critical to the economic, historic, cultural, environmental, and aesthetic standing of Chaffee County. The Roundtable Recommendations provide a framework for protecting and enhancing the viability of such lands and resources,



without diminishing private property rights, and adoption of such Recommendations is essential to the public health, safety, and welfare of the citizens of Chaffee County.

WHEREAS, clustering development offers many benefits such as reducing development impacts (for example land disturbance and drainage issues), reducing the cost of infrastructure and of providing County services, and reducing the potential for weed infestation. Further, it preserves desirable terrain features, specifically with respect to irrigated and agricultural lands.

WHEREAS, the currently proposed voluntary Agricultural Overlay District, which goal is to maintain agricultural production and viability, would allow smaller lots and greater flexibility on appropriate locations within the ranch than what is available now, as well as some additional commercial land uses. Further, an updated land use map could address site specific issues.

WHEREAS, the Planning Commission's recommendation of a base density of 1 unit per 5-acre minimum size as a use by right in Rural (RUR) and Backcountry (BAC) zone designations, with a clustering option resulting in achievable density of 1 unit per 2 acres, results in an increase over the currently allowed density for agricultural use, and such best reflects the recommendations of the entire Roundtable.

WHEREAS, the Board has determined it would be in the best interest of Chaffee County to formally adopt the Roundtable Recommendations as the official policy statement to guide future updates to the Chaffee County Land Use Code.

WHEREAS, conditions in the County have changed to such an extent that amendments to the Chaffee County Land Use Code are warranted and required for the public good, and will advance the community's need and desire as expressed in the Roundtable Recommendations.

RESOLUTION:

NOW THEREFORE be it unanimously resolved by the Chaffee County Board of Commissioners ("BoCC") as follows:

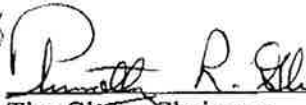
1. Adoption of Recommendations. The BoCC hereby adopts the Chaffee County Citizen's Land Use Roundtable Recommendations (Final-dated November 17, 2008) (the "Roundtable Recommendations"), incorporated herein by reference, as an official policy statement which shall guide the County's land planning staff when updating the County's Land Use Code and related land planning efforts. Accordingly, the County's land planning staff is directed to take steps to implement the Roundtable Recommendations, as further set forth in this Resolution.
2. Incentives and Density. In order to promote clustered development, and higher-density development in appropriate areas, thus leaving more land in productive use, the County's land planning staff is directed to incorporate into the County's Land Use Code certain incentives for clustering. Clustering incentives may include among other things a more streamlined process, negotiable open space (to promote quality, not quantity), increased

density and lower fees. Land planning staff also is directed to utilize a base density of 1 unit per 5-acre minimum lot size as a use by right in Rural (RUR) and Backcountry (BAC) zone designations. Such base density may be modified on a site-specific basis, following further analysis and input, including the fieldtrip discussed below, with respect to areas where clustering may not be appropriate. Furthermore, staff is directed to develop a voluntary Agricultural Overlay District, that allows site specific higher density, flexibility in land sales as well as some additional commercial land uses, which will provide incentives for good design and clustered subdivisions and which purpose is to enhance economic viability of ranchlands in Chaffee County.

3. Land Planning Staff Directive. The County's land planning staff is directed to proceed with carrying out the Roundtable Recommendations. Specifically, land planning staff shall:
 - a. Commence an update of the Land Use Code to reflect the recommendations discussed in the Roundtable Recommendations and the Planning Commission December 2, 2008 Memo, with the exception that the density recommendation should be in accordance with Section 2, above, and the agricultural subdivision process of selling lots "of any size to family and non-family members" should only be allowed if in the proposed Voluntary Agricultural Overlay District.
 - b. At the earliest possible time frame convene a field trip with Roundtable, Planning Commission and Board of County Commission members to further ascertain existing land uses and lands that are appropriate or inappropriate for certain kinds of development based on land features, such as topography, irrigated land, riparian and wetland habitats, historic and scenic areas, proximity to roads and public services, etc. Property-owner input should also be obtained.
 - c. Revise the Illustrative Land Use Map to identify current land use patterns and land features based on the field trip as defined in "b" above and then present this information to the public to receive additional feedback on land use zones.
 - d. The BoCC would like staff to initiate Items 1.1, 1.3, 1.4, 2.1, 2.2, 2.3 2.4, 2.7, and 2.8 set forth in their December 1 recommendation. Such revisions may be adopted prior to the consideration of an updated code and Land Use Map. Such updates and revisions should be considered a top priority, with a goal of completing the referenced updates and revisions by the end of 2009.
4. Timing. In order to develop a more concise and workable land use code, staff is directed to work on a code re-write simultaneous with development of a streamlined PUD and Voluntary Agricultural Overlay District and that such updated code, streamlined PUD, and Voluntary Agricultural Overlay District should be considered by the BoCC for adoption at the same time, after additional public outreach and comment.

ADOPTED AND UNANIMOUSLY APPROVED this 17th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS



Tim Glenn, Chairman



Jerry Mallett, Commissioner



Jim Osborne, Commissioner

STATE OF COLORADO)
) ss.
CHAFFEE COUNTY)

ATTEST:

The above is a true and correct record of Resolution 2008-69 duly unanimously adopted by the Board of County Commissioners of Chaffee County at a regular meeting, properly noticed and held on December 17, 2008.



Chaffee County Clerk

