Keeping it Rural

Evolving Rural Form Controls in Douglas County

2015 APA Colorado State Conference
Introductions

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Douglas County Department of Engineering - Public Works
Session Overview

- Rural Douglas County
- Early land use protections
- Rural Site Plan - rise and demise
- Assessing rural values and lifestyle expectations
- Demand for “scale-able” rural standards
- New rural use and conservation strategies
What is rural in Douglas County?

- **Density**
  - Non-urban - 1 du per 35 + acres
  - Semi-rural - as small as 1 du per 2.5 acres

- **Land Use**
  - Residential
  - Ranching
  - Horses
  - Open Space

- **Geographically-specific**
Douglas County Census Population

- 1970: 8,407
- 1980: 25,153
- 1990: 60,391
- 2000: 175,766
- 2010: 285,465
Population Projections

Projected 23% population increase from

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
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<tbody>
<tr>
<td>2000</td>
<td>175,766</td>
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<tr>
<td>2010</td>
<td>285,465</td>
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<tr>
<td>2020</td>
<td>352,000</td>
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<tr>
<td>2030</td>
<td>418,000</td>
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<td>2040</td>
<td>484,000</td>
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Land Area - 843 square miles

Nonurban Land 44%

Urban Land 17%

Open Space 39%
Population – 308,000

- Urban: 91%
- Nonurban: 9%
Housing Stock by Decade Built

- **BEFORE 1980**: 3,979 (NONURBAN), 3,745 (URBAN)
- **1980-1989**: 1,863 (NONURBAN), 12,196 (URBAN)
- **1990-1999**: 2,380 (NONURBAN), 37,822 (URBAN)
- **2000-2009**: 2,277 (NONURBAN), 41,732 (URBAN)
- **2010-2015**: 290 (NONURBAN), 8,045 (URBAN)
The Rural Framework - Setting the Stage

- Comprehensive Master Plan
- Open Space Program
- Intergovernmental Land Use Agreements
1981: First Master Plan
1986: 2010 Comprehensive Master Plan
1992: 2015 CMP
2001: 2020 CMP
2008:  2030 CMP
2014: 2035 CMP
Nonurban Subarea Density Policies

1, 3, 6: Chatfield Valley, Indian Creek and West Plum Creek – **RURAL ONLY** 1 du/17.5 ac

2: High Plains - **RURAL** (semi-rural generally not supported) 1 du/17.5 ac

4: Northeast – **SEMI-RURAL** 2.5 – 17.4 du/ac

5: Cherry Valley – **RURAL ONLY** 1 du/35 ac (no RSPs)

7: Pike National Forest & Foothills – **RURAL ONLY** 1 du/35 ac (no RSPs)
CMP Regulatory Force

- CMP compliance part of all adopted land use application approval standards

- CMP Amendment process required for changes to density

- Continued commitment to CMP land use map for controlling density
The approval standards for several subdivision requests defined in this Resolution require “compliance with”, “consistency with”, or “general conformance with” the Douglas County Master Plan or the goals, objectives, and policies of the Master Plan. However, the individual goals, objectives, and policies of the Master Plan, are not, themselves, approval standards. The Board will consider the diversity of community values, applicable laws and regulations, private property rights, and unique characteristics of each application when balancing the goals, objectives, and policies set forth in the Master Plan. **A property’s designation on the Master Plan’s Land Use Map is the primary basis for establishing future use and density.**
Open Space Program

- In 1994, dedicated sales and use tax approved
  - Generates $8.1 M per year
  - Tax extended to 2023

- 49,272 total acres have been protected
  - 13,526 acres County-owned
  - 33,834 acres subject to Conservation Easement
  - Variety of parks, trails, and open space areas
Open Space
Intergovernmental Agreements

- Coordinated Comprehensive Plans
- County and Parker (2002) and County and Castle Rock (2004)
  - Adopted as zoning overlay districts
  - Set forth growth and influence area boundaries
  - Limited County’s ability to rezone to urban
  - Curtailed Towns’ ability to annex
  - Helped maintain rural character in areas surrounding the Towns
Rural Framework - Regulatory Controls

- Zoning (residential)
  - Nonurban zone districts
  - Rezoning and subdivision policies
  - Design Enhancement Overlay Zone
  - Rural Site Plan (RSP) to specifically address 35 acre divisions
Design Enhancement Overlay Zone (1994)

- Clustering as a tool to preserve rural character
- Zoning and subdivision steps
- No density bonus
- 4 plans/plats approved
- Precursor to Rural Site Plans
30-28-401. Legislative declaration.

(1) The general assembly hereby finds and declares that:

(a) It is in the public interest to encourage clustering of residential dwellings on tracts of land that are exempt from subdivision regulation by county government pursuant to section 30-28-101 (10) (c) (X), thereby providing a means of preserving common open space, of reducing the extension of roads and utilities to serve the residential development, and of allowing landowners to implement smart growth on land that is exempt from subdivision regulations.

(b) Landowners should have the option to consider cluster development when subdividing land into parcels in a manner that constitutes an alternative to the traditional thirty-five acre interests described in section 30-28-101 (10) (c) (I).

(c) A process should be available for the development of parcels of land for residential purposes that will authorize the use of clustering, water augmentation, density bonuses, not to exceed two units for each thirty-five acre increment, or other incentives, and the transfer of development rights and fulfill the goals of the county to preserve open space, protect wildlife habitat and critical areas, and enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations.
Rural Site Plan Regulations (1995)

- Alternative to 35-acre divisions for A-1 zoned properties
- Density bonus given for permanently preserved open space
  - 40% bonus with 50% open space (1 du/25 acres)
  - 100% bonus with 67% open space in tracts (1 du/17.5 acres)
- Administrative approval of Rural Site Plan
- Board of County Commissioners approval of subdivision exemption
Achievements

- 14 Rural Site Plans approved over 14 years
- 580 exempt lots
- 7000 + acres of open space preserved
STATE OF COLORADO

GOVERNOR’S AWARD
TO
The Douglas County Rural Site Plan Process
FOR Outstanding Efforts in Smart Growth and Development

July 20, 1996
Dated
Governor
Unsettling trends

- Ever-lengthening approval timeframes
- Increasing requirements, less predictability
- Larger properties, more lots, smaller lots
- Majority sited in the western half of the County
- No forum for public input (limited transparency)
- Low build-out rates
### Build out rates (2015)

#### RURAL SITE PLAN DEVELOPMENT TRENDS
**DOUGLAS COUNTY, COLORADO**

**as of August 31, 2015**

<table>
<thead>
<tr>
<th>NAME</th>
<th>SUBAREA</th>
<th>RECORDED</th>
<th>OS IN TRACTS</th>
<th>RES LOTS</th>
<th>MIN</th>
<th>MEAN</th>
<th>MAX</th>
<th>BUILT LOTS</th>
<th>TOTAL RES UNITS</th>
<th>% BUILT OUT</th>
<th>DAYS SINCE RECORDING</th>
<th>YEARS SINCE RECORDING</th>
<th>BUILT LOTS PER YEAR</th>
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<td>37</td>
<td>7.300</td>
<td>10.600</td>
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<td>10.010</td>
<td>25.330</td>
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<td>44</td>
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<td>4.435</td>
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**TOTAL**                     |              |          |              | 577      |       |       |     | 146       | 152               | 25.3%      |                      |                       |                     |
Bear Canyon RSP (1995)
1333 acres, 45 lots, 10 - 35+ acre lots
High Prairie Polo Club RSP (2007)  
1000 acres, 60 lots, 2.5 - 10-acre lots
Sandstone Ranch RSP (2008)
1859 acres, 106 lots, 2.0 - 24.9 acre lots
Remuda Ranch RSP (2009)
1620 acres, 92 lots, 3-acre lot size average
Associated documents

- Resource Conservation Exhibit
- Baseline Report (photo inventory, natural resources assessment, grazing, pasture and weed management plan)
- Geologic & Site Specific Subsurface Conditions Report
- Traffic Impact Analysis
- Floodway Hazard Area Delineation Study Report
- Alternate Roadway Standards
- Rural Site Plan Improvements Agreement (RSPIA)
- CC&R’s and Design Guidelines
- Open Space Agreement
- Metro District Service Plan
- Water and Sewer Feasibility Study/PPWSD Inclusion Agreement
- Roadway Agreement (Remuda Ranch Parkway)
Rural Site Plan Repeal

- Remuda Ranch RSP approved February, 2009
- Board repeal of RSP regulations in April, 2009
- Areas of concern:
  - Public input process inadequate
  - Board vs. staff roles confusing
  - Excessive infrastructure costs
  - Lengthy timeframes unacceptable for all
  - Rural character and scale not preserved
- Rural residents and stakeholders appointed to develop a rural regulatory framework
Rural Framework Committee (RFC)

- 30-member ad-hoc citizen’s committee (Rural Framework Committee) appointed in May 2009

- RFC Directed to submit recommendations on a rural regulation framework by end of year

- 14 meetings held between June and November

- Did not reach consensus on new or replacement regulations, but did develop other recommendations
Recommendation Principle 4: Density Bonus

- 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.
Recommendation Principle 2: Rural Values

- 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

- The County should use multiple strategies to preserve the character and continued viability of its rural areas - historic/cultural, agricultural, visual, and environmental qualities.
What is most important to the rural community?

- Visual Preference Survey
- Small group prioritization exercise
Results: Visual Preference and Values Priorities

From July 14th RFC meeting
Voting Analysis

- Strong consensus (80% +)
- Majority Consensus (60 - 79%)
- Split Consensus (40/50% splits)
Question 1

Are the elements shown in these slides of significant value to the rural lifestyle?

“valued component of rural lifestyle?”
Of significant value:

- Agricultural uses and preserved environmental and natural resources:
  - Open space
  - Active ranching and farming
  - Equestrian uses
  - Historic structures
  - Wide-open vistas
  - Wildlife
  - Stream corridors
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<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
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<tr>
<td>Yes</td>
<td>Mostly</td>
<td>Not Much</td>
<td>No</td>
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<td>18</td>
<td>2</td>
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<td>75%</td>
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**Strong Consensus (Valued)**
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<td>17%</td>
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<td>C</td>
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<td>4%</td>
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**Strong Consensus (Valued)**
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<td>88%</td>
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Strong Consensus (Valued)
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A: Yes
B: Mostly
C: Not Much
D: No

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**Strong Consensus (Valued)**
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<th>Consensus (Valued)</th>
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<th>B Mostly</th>
<th>C Not Much</th>
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<td>C</td>
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<td>7</td>
<td>29%</td>
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<td>D</td>
<td>No</td>
<td>6</td>
<td>25%</td>
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**Split Preference**
Question 2

Is this service or land use important for supporting the rural community lifestyle?

“Important to support rural lifestyle?”
Supporting services and land uses

- Agricultural-related uses strongly supported
- Most rural services supported
- Commercial - split
- Recreational - split, favoring passive forms
- Industrial uses not supported
Strong Consensus (Important)

A Critical 10 42%
B Important 10 42%
C Of Concern 1 4%
D Undesirable 3 13%
Consensus (Important)

A  Critical  2  8%
B  Important  16  67%
C  Of Concern  5  21%
D  Undesirable  1  4%
Strong Consensus (Important)

A  18  75%
    Critical

B  3  13%
    Important

C  2  8%
    Of Concern

D  1  4%
    Undesirable
Consensus (Important)

A  Critical  7  29%
B  Important  10  42%
C  Of Concern  6  25%
D  Undesirable  1  4%
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<td>54%</td>
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<td>Of Concern</td>
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<td>8%</td>
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<tr>
<td>Undesirable</td>
<td>0</td>
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**Strong Consensus (Important)**
Consensus (Important)

A  Critical  4  17%
B  Important  14  58%
C  Of Concern  6  25%
D  Undesirable  0  0%
Split Preference

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<td>Split Preference</td>
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<tr>
<td>Critical</td>
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<td>Undesirable</td>
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<td>3</td>
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</table>
Consensus (Unnecessary)

<p>| | | | | |</p>
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### Strong Consensus (Unnecessary)

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<tr>
<td></td>
<td>0%</td>
<td>13%</td>
<td>29%</td>
<td>58%</td>
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</table>

- **A**: Critical - 0%  
- **B**: Important - 13%  
- **C**: Of Concern - 29%  
- **D**: Undesirable - 58%
Question 3

Is the development or activity pictured in these slides compatible with the County’s rural character and/or environment?

“Compatible with rural character/environment”? 
Compatible with rural environment and character

- Least conclusive, most split votes
- If slide contained an agricultural component - supported
- Slides with single homes or lower density - supported
- Ridgeline, excessive cuts and fills, and un-buffered transitions - not supported
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>A  Yes</td>
</tr>
<tr>
<td>10  42%</td>
</tr>
<tr>
<td>B  Mostly</td>
</tr>
<tr>
<td>8  33%</td>
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<tr>
<td>C  Not Much</td>
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<td>5  21%</td>
</tr>
<tr>
<td>D  No</td>
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<td>1  4%</td>
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<tr>
<td>Consensus (Compatible)</td>
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<tr>
<td>------------------------</td>
</tr>
<tr>
<td>A  Yes  11  46%</td>
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<tr>
<td>B  Mostly  6  25%</td>
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<tr>
<td>C  Not Much  6  25%</td>
</tr>
<tr>
<td>D  No  1  4%</td>
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</table>
Consensus (Compatible)

A  Yes  11  46%
B  Mostly  8  33%
C  Not Much  3  13%
D  No  1  4%
Consensus (Compatible)

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<tr>
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Split Preference

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</thead>
<tbody>
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<td>7</td>
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<tr>
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<td>2</td>
<td>8%</td>
<td></td>
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<tr>
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<tr>
<td>D</td>
<td>No</td>
<td>7</td>
<td>29%</td>
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</table>
Consensus (Incompatible)

<p>| | | | |</p>
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<thead>
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<tbody>
<tr>
<td>A</td>
<td>2</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>5</td>
<td>21%</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>7</td>
<td>29%</td>
<td></td>
</tr>
<tr>
<td>D</td>
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Consensus (Incompatible)

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<tr>
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<tr>
<td>C (Not Much)</td>
<td>6</td>
<td>25%</td>
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<tr>
<td>D (No)</td>
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<td>42%</td>
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<tr>
<td></td>
<td>A</td>
<td>B</td>
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</tr>
<tr>
<td>Yes</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>4%</td>
<td>0%</td>
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</tbody>
</table>

**Strong Consensus (Incompatible)**
Question 4

Comparisons: Which photo or graphic best reflects your rural lifestyle priorities?

“Best reflects your rural priorities”
Which one?

- Cluster vs. non-cluster - split preference
- Support for clear choices:
  - Natural entry features
  - Good land management (less de-vegetation)
  - Smaller scale, architecturally compatible buildings
  - Tuck in elevations
  - Water use for agriculture
  - Natural vegetative landscaping
  - Visually compatible fencing
  - Narrow roads, natural shoulders
  - Limited lighting, contextual fixtures
5-Acre Density

A
16 – 67%

B
2 – 8%

Strong Consensus
35-Acre Density

Split Preference

A
11 - 46%

B
13 - 54%
Neighborhood Entry

A

B

22 – 92%

1 – 4%

Strong Consensus
Church Scale & Elevation

A
0 – 0%

B
24 – 100%

Strong Consensus
Fencing (Visual)

A: 22 – 92%
B: 1 – 4%

Strong Consensus
Density Screening

A  1 – 4%

B  21 – 88%

Strong Consensus
Rural Water Priorities 2

A

0
0%

B

1
4%

C

0
0%

D

20
83%

Strong Consensus
Which type of recreational opportunity is more important to the rural community?

- A: 23 – 96%
- B: 1 – 4%

Strong Consensus
Ridgeline Placement

A  0 – 0%

B  24 – 100%

Strong Consensus
Which represents appropriate residential lighting in the rural areas?

A  0  0%
B  2  8%
C  15  36%

Consensus
Curb & Gutter or Roadside Ditch

A  0 – 0%

B  23 – 96%

Strong Consensus
Wildfire Mitigation

A 16 – 67%

B 6 – 25%

Consensus
# Values Prioritization

<table>
<thead>
<tr>
<th>Value/Issue: # of groups specifically including the item in its top 4 rural land use/lifestyle priorities</th>
<th>Rank</th>
<th>Primary Areas of Emphasis/Discussion (red – noted as most critical)</th>
</tr>
</thead>
</table>
| Environment/Natural Resources: 5 votes | 1 | Inter-relationship between all items were noted – **all essential**:  
- Wildlife Habitat and Movement Corridors  
- Native Vegetation  
- Geologic/Topographic Features  
- Natural Grade and Terrain  
- Riparian Areas  
- Air Quality  
- Archeological Resources (not as important) |
| Water and Sewer: 4 votes | 2 |  
- **Sustainable Water Supply** (critical)  
- **Water Quantity and Quality** (critical)  
- Groundwater Protection (relative to septic systems)  
- Central vs. Individual Systems (not as important, depends on feasibility in each situation) |
| Land Use and Density: 3 votes | 3 | - Rural Densities (study possible incentives, think outside the box, bonuses should not be automatic, plans must be appropriate to land, what’s wrong with 35-acre minimum?)
- Lot Size/Clustering (larger minimum lot sizes)
- Subarea Distinctions (needed)
- More public participation/input into land use processes |
| Rural Quality of Life: 2 votes | 4 | - Dark Skies (critical)
- Viewshed/View Corridor Preservation (critical)
- Ridgeline/Mt. Backdrop Views (critical)
- Space and Separation between uses (critical)
- Scale and Character of Built Environment and Improvements (very important)
- Quiet Environment |
<table>
<thead>
<tr>
<th>Category</th>
<th>Votes</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| Public Services/Safety: 2 votes | 4     | • Emergency Services Access  
• Wildfire Mitigation  
• Low Crime Rates  
• Response times and service levels (rural will be lower) |
| Agricultural/Equestrian: 1 vote  | 5     | • Range/land management (essential)  
• Continued ranching, farming, and accessory ag  
• Riding Trail Systems for Equestrian  
• All ag and equestrian part of rural lifestyle |
| Rural Lifestyle/Culture          | 6     | • Sense of Place (very important)  
• Historic/Rural Heritage Preservation  
• Scale of Structures and Improvements  
• Community events and activities (less important, these occur informally) |
<table>
<thead>
<tr>
<th>Rural Value/Issue</th>
<th>Primary Areas of Emphasis/Discussion (green type - noted as most critical)</th>
</tr>
</thead>
</table>
| Environmental/Natural Resources | Inter-relationship between all items were noted - all essential:  
- Wildlife habitat and movement corridors  
- Native vegetation  
- Geologic/topographic features  
- Natural grade and terrain  
- Riparian areas  
- Air quality  
- Archaeological resources (not as important) |
| Water and Sewer               |  
- Sustainable water supply  
- Water quantity and quality  
- Groundwater protection (relative to septic systems)  
- Central vs. individual systems (not as important, depends on feasibility in each situation) |
| Land Use and Density          |  
- Rural densities (study possible incentives, think outside the box, bonuses should not be automatic, plans must be appropriate to land, what's wrong with 35-acre minimum?)  
- Lot size/clustering (larger minimum lot sizes)  
- Subarea distinctions (needed)  
- More public participation/input into land use processes |
| Rural Quality of Life         |  
- Dark skies  
- Views/shed/view corridor preservation  
- Ridgeline/mount backdrop views  
- Space and separation between uses  
- Scale and character of built environment and improvements (very important)  
- Quiet environment |
| Public Services/Safety        |  
- Emergency services access  
- Wildfire mitigation  
- Low crime rates  
- Response times and service levels (rural will be lower) |
| Agricultural/Equestrian      |  
- Range/land management (essential)  
- Continued ranching, farming, and accessory agriculture  
- Riding trail systems for equestrian  
- All agriculture and equestrian part of rural lifestyle |
| Rural Lifestyle/Culture       |  
- Sense of place (very important)  
- Historic/rural heritage preservation  
- Scale of structures and improvements  
- Community events and activities (less important, these occur informally) |
Outcome

- Good community conversation
- Education
- Consensus achieved on many items
- No RSP replacement regulations resulted
- Rural values identified
- Rural design guidelines NOT regulation
Rural Living Web Page (Code of the West +)

- http://www.douglas.co.us/land/rural-living/
Rural Development Standards - Engineering and Building

To pave or not to pave?

Matt Williams, P.E., CFM  (MWillia1@douglas.co.us)
Development Review Manager
Douglas County Department of Public Works- Engineering
Roadway Design and Construction Standards (old)

- All roads required paving
- Minimum 24’ width with 4’ gravel shoulders
- Two standard cross sections allowed for rural developments with up to 1,500 vehicle trips per day
Rural Local Road Type V

- R.O.W.
- Utility Easement
- 12' MIN.
- 4' Gray Shdl.
- 12' Travel Lane
- 12' Travel Lane
- 4' Gray Shdl.
- 12' MIN.
- Class 6 Roadbase to match pavement thickness.
- Asphaltic Concrete
- Subgrade
- Aggregate Base Course
- Total Pavement Section
- 18" - See roadside ditch sections SP ___

Douglas County, Colorado
Rural Local Road Type VI
Which gravel road would you prefer to use for regular access?

A

B
Curb & Gutter or Roadside Ditch
Paved or Gravel

A

B
Wide or Narrow

A
30’

B
20’
<table>
<thead>
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<th>Count</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
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<td>14</td>
<td>58%</td>
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<tr>
<td>B (Mostly)</td>
<td>7</td>
<td>29%</td>
</tr>
<tr>
<td>C (Not Much)</td>
<td>3</td>
<td>13%</td>
</tr>
<tr>
<td>D (No)</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>
Wide or Narrow

A  4 – 17%

B  19 – 79%

Consensus
Curb & Gutter or Roadside Ditch

A

0 – 0%

B

23 – 96%

Strong Consensus
Concerns

• No scalability for smaller rural subdivisions
• Excessive infrastructure costs given rural density
• Improvements not consistent with rural character and value
• What’s wrong with gravel?
What IS wrong with gravel?

- Studies show that at 100 trips per day or greater, the maintenance cost for gravel roads exceed the cost for paved roads.
What IS wrong with gravel?

• Section III.D.2.a.(i).(B). of the Air Quality Control Commission’s Regulation Number 1 States: “Any owner or operator responsible for construction or maintenance of any (existing or new) unpaved roadway which has vehicle traffic exceeding 200 vehicles per day in attainment areas or 150 vehicles per day in non-attainment areas (averaged over any consecutive 3-day period) from which fugitive particulate emissions will be emitted shall be required to use all available, practical methods which are technologically feasible and economically reasonable in order to minimize emissions resulting from the use of such roadway in accordance with the requirements of Section III.D. of this regulation.”
What IS wrong with gravel?

• Another issue associated with gravel roads: Some people who live on them want them paved
• Two programs created to pave gravel roads:
  • Local Improvement Districts (LIDs)
  • County Assisted Paving Program (CAPP)
Roadway Design and Construction Standards (new)

- Gravel roads allowed up to a certain amount of units
- Minimum 24’ gravel width (no shoulders)
- Five standard cross sections allowed for rural developments, dependent on # units
Rural Local Road Type III

Roadside Ditch section

Curb and Gutter section
Rural Local Road Type IV
35-acre Private Rural Road
Rural Road Standards

- Commissioner tour
- Work session review
- Adopted on May 10, 2011
Drainage Criteria and Roads

• Considerable dialogue regarding the use of curb and gutter in rural areas
• Most agree that roadside ditches are more aesthetically appealing in the rural areas
• Curb and gutter is often necessary from a functional drainage design standpoint
• Steep slopes = higher stormwater velocity = higher erosion potential
Roadside ditch with erosion
Grass-Lined roadside ditch
Rock-Lined roadside ditch
Minimize disturbance with curb and gutter
Low Impact Grading, Erosion and Sediment Control

- Covers minor land-disturbing activities on rural residential lots

- Why?
  - Protect land owners and County’s natural resources
  - Protect residents from violating local, State and/or Federal regulations
Correct Application of Low-Impact GESC
Taking a Low Impact GESC permit too far
Building Division Requirements and Programs for Rural Development

- Rural Residential Driveways
  - 3 homes on a driveway
  - Natural Landform Protection Area
- Wildfire Mitigation and Forest Management
  - Wildfire Hazard Overlay District
  - CWWPs
  - Rural Firefighting Water Supply Standards
Rural Residential Driveways

• Building Division was directed to amend driveway standards, to allow 3 lots to share a single driveway
• Previous criteria allowed only one lot per driveway
• Easements are required at the time of plat, or via separate document.
Wildfire Hazard Overlay
Wildfire Mitigation Implementation

- Development Scale: Mitigation Plans are Submitted by Developers Consultant for County Review
- Approved Plan is Fully Implemented Prior to Issuance of Building Permits
Wildfire Mitigation Implementation

• **Single Lot:** Mitigation Plan is Provided by County Mitigation Specialist when Permit is Issued

• County Approval of Implementation Required for CO or Final Inspections
Standards for Water Supplies for Rural Fire Fighting

• Appendix to the adopted building codes
• Applicable to rural subdivisions and nonresidential uses in the rural areas
• Two-hour, 250 GPM fire flow
• Source within 2 miles of the parcel
• Minimum 30,000 cistern or other source
• Use and maintenance agreements with the fire district
Recent Regulatory Changes and Challenges

Dan Avery, AICP (Davery@douglas.co.us)
Chief Planner, Planning Services
Douglas County Department of Community Development
Climate for “Opportunistic” Change

• Strong desire to preserve remaining large acreage
• Lack of citizen support for RSP replacement
• Open space funds more scarce
• Political preference for incentives and new opportunities rather than additional limits and restrictions
Addressing Existing Conditions

- Metes and bounds parcels
- Zoning code revisions for Sedalia
- As-built site plan process
Exemptions simplified

• Two new exceptions to the definition of the term subdivision:
  
  • Divisions which created a parcel of less than 35 acres in land area conveyed by deed or other legally acceptable instrument recorded on or before January 10, 1994 in the Office of the Douglas County Clerk and Recorder.
  
  • Divisions which adjusts the boundaries between legal, unplatted parcels of less than 35 acres in size where no additional parcels are created.
Zoning Code Amendments in Sedalia

- Unincorporated railroad village
- Mix of residential, commercial and industrial uses
- Decades of inconsistent zoning classification
- Need to resolve non-conformities
As-built Site Improvement Plans

• Uses and structures legally established prior to February 1, 1994 shall be considered compliant with the requirement for a SIP.

• Minor site alterations and changes of use that do not require physical site changes are eligible for a $50 “as-built” SIP process.
Highway Viewshed Mapping Effort
Driveways on prominent landforms
RURAL (NON-URBAN) AREAS
PARCELS 70 ACRES & OVER
DOUGLAS COUNTY, COLORADO

- Conserved Land, Parks, Pike Forest
- CMP Subareas Included in Study
- Parcels 70 to 105 Acres
- Parcels 105 to 500 Acres
- Parcels 500 Acres & Over
- Private Conservation Easement
- Land Owned by City & County of Denver
- Incorporated & Urban Designated Areas
Agricultural Trends

Number of Farms & Ranches
Douglas County, Colorado
Source: 2012 Census of Agriculture, USDA

<table>
<thead>
<tr>
<th>Year</th>
<th>Farms &amp; Ranches</th>
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<td>1992</td>
<td>522</td>
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<tr>
<td>1997</td>
<td>574</td>
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<td>2002</td>
<td>903</td>
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<td>2007</td>
<td>1,080</td>
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<tr>
<td>2012</td>
<td>1,116</td>
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</table>
Agricultural Trends

Acres of Farm & Ranch Land


Acres: 231,364 204,360 199,491 189,210 200,015

Source: 2012 Census of Agriculture, USDA
Agricultural Trends

Farms by Size, 2012

Land in Farms, 2012 by Land Use:
- Pastureland 77.5%
- Other uses 4.6%
- Woodland 6.3%
- Cropland 11.7%
Agricultural Trends

![Graph showing average value per farm and average farm value per acre from 1978 to 2007.](image-url)
Agricultural Trends

Douglas County ranked #5 of all counties in the State for its inventory of horses in the 2007 Census of Agriculture.

<table>
<thead>
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<th>Horses and ponies</th>
<th>County</th>
<th>Inventory</th>
<th>Rank</th>
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<td>Larimer</td>
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<td>ElPaso</td>
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<td>Jefferson</td>
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</tbody>
</table>

Prepared by the Douglas County Community Planning and Sustainable Development Department
2005 Rural Zoning Changes

Section 304- Uses Permitted By Special Review:

Add:
• Dude ranch
• Hunting/fishing club

Eliminate:
• Airport
• Boarding house
• Club/private recreational use
• Fur farm
• Golf course
• Guest ranch
• Heliport
• Hospital
• Nursing or convalescent home
• Police training facility
• Poultry farm
• Raceway
• Retirement home
• Resort lodge/cabins
• School- vocational/college/university
• Trash transfer/recycling facility
• Zoo
New opportunities on larger acreage

- Entertainment events
- Agricultural production
- Hay sales
- Event centers
Entertainment Events

- Minor Entertainment Events:
  - One day events with a maximum daily attendance of 500 people or
  - Multi-day events (up to seven days) with a maximum daily attendance of 300 people

- Major Entertainment Events:
  - An event which exceeds the limitations of a Minor Entertainment Event
Farmers Markets and roadside stands

- Permit farmers markets in the A-1 and LRR zone districts, with a seasonal use permit.

- Sale of Agricultural Products produced on-site already permitted

- Defines Agricultural Products:
  - Those that originate from the land’s productivity (fruits, vegetables, nursery stock, livestock, hay, grains)
Value-added Agricultural Production

- Adds Value-added Agricultural Processing as an accessory use in the A-1 and LRR zone districts.
- Limits this use to not more than 1,500 square feet, in keeping with the existing limits on home occupations.
- Defines Value-Added Agricultural Processing:
  - Processing and packaging of agricultural products excluding the production of fuels, lubricants and similar products. The primary ingredient must be grown on site.
Sale of Imported Hay

- Sale of hay produced on-site already permitted
- Allows imported hay to be sold with approval of a Site Improvement Plan (SIP)
- As-built SIP process would likely be used if sales would occur using existing structures
Event Centers

- Several venues in existence
- No history of complaints
- Use not permitted in the Agricultural One zone district
9 NEWS....

- February 7, 2015: 40 couples suddenly lose their wedding venue
- February 9, 2015: Brides scramble to find new venue
Issues

- Building code compliance
  - fire sprinklers
  - accessibility
- Water and sewer systems
Issues

- Access and parking
Issues

• Noise
Other Jurisdictions

- Reviewed Boulder, El Paso, Larimer, Pitkin, and Summit Counties
- All allowed assembly uses in rural zone districts:
  - reception halls, community meeting facilities, business event centers, community wedding events
- Processes required:
  - By right use (at a small scale)
  - Minor Special Review
  - Five-year conditional review
  - Use by Special Review
Tiered Regulatory Approach

• 35 - 79 acre parcels
  • Use by Special Review
  • Noise limits of 40 dB(A) during the day, 35 dB(A) at night
  • Noise study required
  • 300 foot setback from nearest residence for visual separation
  • Narrative to address building, fire, water and sewer improvements
  • Management plan to address specific operational components
Tiered Regulatory Approach

- 80 acre or greater parcels
  - Site Improvement Plan for facilities with a capacity of 350 or less (option to impose operational limits)
  - Use by Special Review for facilities with a capacity of greater than 350
  - Noise limits of 40 dB(A) during the day, 35 dB(A) at night
  - Capacity of 350 persons (higher requires USR)
  - 300 foot setback for visual separation
Tiered Regulatory Approach

- 160 acre or greater parcels
  - By right accessory use when accessory to an ongoing agricultural operation
  - Site improvement plan if no agricultural use is present
  - Administrative certification process
  - 500 foot setback
  - Legal and physical access
  - Noise regulated by the County’s Noise Overlay for A-1 uses - 55 dB(A) during the day, 50 dB(A) at night
Challenges

- Noise measurement and consideration of ambient noise
Take-Aways - Evolving Regulatory Cycles

- Long range planning DOES matter
- Creeping regulatory complexity can kill
- If it looks like a duck and walks like duck, it’s a duck
- Rural is a state of mind (not a density)
- One size doesn’t fit all
- Solutions demand coordinated strategies
- You can anticipate, but sometimes it takes a crying bride to get the ball rolling...
- There’s always more to learn