

DIVIDE REGIONAL PLAN

Originally Adopted April 1998 – Amended & Restated July 3, 2006

Adopted August 8, 2006

2016 Modifications – This document contains the text of the DRP adopted August 8, 2006 including the 2016 proposed modifications. It was formatted to closely match the original, but does not match the original page for page.

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I. VISION

The Divide Region stretches before the majestic northern slope of Pikes Peak offering a unique and beautiful environment enjoyed by residents, business owners, and passersby. Preservation of our vistas (and all they imply), dramatic through each of our seasons and equally spectacular year-round in the night sky, is a driving motivation for the implementation of this protective Plan.

The vision reflects a small town community made up of three planning areas wherein growth is managed by a phasing process. This Plan aims to balance the needs of humans, the environment, wildlife, and economic development while improving the character and infrastructure of the area.

The **Town Center** blends a tight-knit, pedestrian friendly, residential and concentrated commercial district, adopting the “node” concept of growth and discouraging “strip” commercial growth. Visual impacts of structures in the downtown area should be consistent with architectural guidelines.

Rural Residential generally consists of existing parcels of less than 35 acres, including existing subdivisions. Some parcels less than 35 acre tracts might be designated Rural Lands based on character and surroundings. The lifestyle in Rural Residential areas should be protected and reduced density should be encouraged.

Rural Lands generally consist of tracts of 35 acres or larger. Some 35 acre tract developments may be designated Rural Residential if the intent, platting and use more closely fits the Rural Residential use. Rural Lands should be encouraged to stay as they are.

Government lands (Federal, State, and County) should be encouraged to abide by the policies of this Plan as well as County Regulations.

Goals and Policies should address the preservation of a small mountain community. The flavor of this community is defined and guided by community input and natural resource restrictions. This Plan provides a method for responsibly dealing with the impacts of regional growth.

II. DEFINITIONS OF TERMS USED IN THIS PLAN

CARRYING CAPACITY OF LAND – how much development is possible on a piece of land after considering physical constraints (such as steep terrain) or considering infrastructure (such as minimum spacing requirements between wells and septic systems).

CULTURAL SITES - areas of historic or archaeological significance.

CUMULATIVE IMPACTS – the total additive impacts on infrastructure and lifestyle created over time by approval of multiple large and / or small developments or recreational uses. Build-out and infill of existing approved development can be considered a cumulative impact.

DOWNTOWN – the Town Center Business Area.

ENVIRONMENTALLY SIGNIFICANT AREAS – significant wildlife habitat, scenic and highly valued landscapes, and state or national parks.

GROWTH – (1) the construction or expansion of nonagricultural buildings which increases density, or (2) rezoning to a more intense use, or (3) subdivision to a greater density. Excluded from this definition are remodeling, additions and accessory buildings that do not increase density.

INFRASTRUCTURE – facilities and services, which include, but are not limited to: roads, drainage, water, sewer, schools, parks, fire and sheriff protection. Water includes both community systems and individual wells. Sewer includes both community systems and individual septic. Adequate Infrastructure exists when growth does not increase the demand on facilities beyond their capacities.

NATURAL HAZARDS – flood plains, steep slopes, wildfire lands and geological hazards Public lands, roads and areas.

PUBLIC LANDS, ROADS AND AREAS - (1) areas and rights-of-way owned by a government jurisdiction or agency; and (2) a road on private land for which public access has been established.

RECREATIONAL USES – includes but is not limited to public and private, profit or non-profit recreational activities, recreational facilities, recreation camps, summer camps, church camps, campgrounds and resorts as these terms are commonly understood and as may be defined in Teller County regulations. Additionally, included in this definition are any activities in Rural Lands or Rural Residential Lands requiring a recreation-related Conditional Special Review Use Permit.

RESOURCE PROTECTION CORRIDORS - extend from the edge of the Town Center to the Region's boundary for 600 feet on each side of the major roads (Highway 24, Highway 67, County Road 5, Cedar Mountain Road) and along Mueller State Park.

RURAL LANDS - generally consist of tracts of 35 acres or larger. Some 35 acre tract developments may be designated Rural Residential if the intent, platting and use more closely fit the Rural Residential use.

RURAL RESIDENTIAL - generally consists of existing parcels of less than 35 acres, including existing subdivisions. Some parcels less than 35 acre tracts might be designated Rural Lands based on character and surroundings.

SCENIC AND HIGHLY VALUED LANDSCAPES – as identified in County land use regulations.

Resolution 3-28-96-21:

- > Areas within 1 mile of a national forest, national monument, national park, state forest or state park;
- > Views from scenic roadways: Highway 24, Highway 67, North Road also known as County Road 5, Four-Mile Road, Lazy 5 Road, Blue Mountain Road, Guffey Road, High Park Road, and Gold Camp Road;
- > Views from wildlife viewing roadways: Upper Twin Rock Road, Lower Twin Rock Road, Cedar Mountain Road.

SENSITIVE AREAS - include natural hazards, environmentally significant areas, and cultural sites.

TOWN CENTER - a more intensely developed area that includes the uses, facilities, or development character that would identify the area as a Node, Community Center, or Urban service Area (as those terms are used in other Teller County plans and regulations).

WILDLIFE HABITAT, SIGNIFICANT - those areas shown on the "Significant Wildlife Habitat Overlay Map, Teller County, CO" as having Very High, High, or Moderate potential for impact - most current map prepared by the Colorado Division of Wildlife.

III. GOALS AND POLICIES

- A. WATER:** In the Divide Region we are concerned about water quantity and quality, which future growth might adversely affect.
- A1. Water supply is limited, essential to the entire community, and should be protected.
 - A2. Limit development that might jeopardize the water supply.
 - A3. Err on side of conservatism rather than overbuild where water information is limited.
 - A4. Develop standards for water conservation and for prevention of over-exploitation.
 - A5. Development should comply with requirements for adequate legal supply (paper water), adequate physical supply (wet water), and adequate firefighting supply and facilities.
- B. AMOUNT OF GROWTH:** The population of the Divide Region should no more than double in the next 20 years.
- B1. No more than doubling in next 20 years to a maximum population of 10,000 in 2020.
 - B2. Limit of 60 new dwelling units (DU's) per year for the first 10 years.
 - B3. After 10 years, may be increased to no more than 75 new DU's per year.
 - B4. Once the limit has been reached in a year, a person may build one new dwelling unit for each lot that person vacates or eliminates.

B5. Units allowed but not built in one year may be carried over into the following year.

C. **PLANNING AREAS:** The Divide Region consists of 3 distinct planning areas: the **Town Center** includes both businesses and residences, the **Rural Residential** area includes existing lots and parcels smaller than 35 acres, and **Rural Lands** are large tracts making up the rest of the Region. See Maps 1 and 2)

C1. GENERAL

C1.01 Rural Lands: Maintain existing uses, density, and open character.

C1.02 Rural Residential: Continue infilling of existing lots. Encourage vacation of lot lines. Discourage additional rural residential development.

C1.03 Town Center: Includes business and residential areas, has a specific outer boundary, and additional future development is encouraged to locate within the Town Center.

C1.04 Encourage developers to mitigate identifiable impacts.

C1.05 Locate high impact uses (e.g. industry) to minimize pollution of land, air soil and water.

C1.06 Encourage energy conservation.

C1.07 Prevent commercial and industrial development outside of the Town Center .

C1.08 Establish the carrying capacity of the land.

C1.09 Maintain peaceful and desirous place to live, work, recreate in beautiful mountain environment.

C1.10 Exterior lighting should be downcast and shielded to prevent glare onto adjacent properties and roadways.

C1.11 Develop sign regulations and apply in all 3 Planning Areas.

C2. TOWN CENTER – GENERAL (SEE MAP 2)

C2.01 There is only one Town Center in the Divide Region.

C2.02 All new commercial, denser residential, and light industry should be in the Town Center.

C2.03 Provide land uses for living, shopping, working, and recreating.

C2.04 Promote compact, cohesive pedestrian community over disjointed strip vehicular community.

C2.05 Growth should be based upon infrastructure, community values and physical opportunities and constraints.

C2.06 Town Center should not develop in a leapfrog pattern.

C3. TOWN CENTER – BUSINESS AREA

C3.01 Encourage distinct, cohesive, attractive, efficient downtown and

business parks.

- C3.02 Encourage infill and redevelopment before any expansion of the Business Area.
- C3.03 Encourage businesses that don't need retail visibility to locate further from the highways.
- C3.04 Prevent strip commercial zoning along Highways 24 and 67 – Town Center area should expand in a nodal form rather than along highway strips.
- C3.05 Promote strong downtown commercial areas, to help create a broader tax base.
- C3.06 Promote the maintenance and repair of downtown buildings and County-owned facilities.
- C3.07 Discourage downtown business encroachment on residential or adjacent land uses. Encroachment includes "external effects" such as noise, glare, dust and trash, as well impact on views.

C4. RURAL RESIDENTIAL AREAS - Existing parcels of less than 35 acres

- C4.01 Promote design and site planning compatible with the area's character.
- C4.02 Protect existing neighborhoods from the intrusion of higher intensity land uses.
- C4.03 Existing Rural Residential area may not expand without:
 - (a) Paved road access from the Town Center adequate for the additional traffic.
 - (b) Central water and sewer, paved roads, adequate fire safety, schools, and parks.
 - (c) Reduction of 2 existing lots for each new lot created.
- C4.04 Adhere to State and County noise regulations.

C5. RURAL LANDS - Including recreational uses (as defined by this document)- private or public tracts of land generally 35 acres or larger (see definition).

- C5-1 Rural Lands should be encouraged to stay as they are.
- C5-2 Restrict new developments that could cause noise, visual blight, or noxious odors.
- C5-3 Existing designated recreational uses within the Divide Region should be encouraged to be successful and encouraged to improve their facilities and operations.
- C5-4 New recreational developments should be required to amend the Divide Growth and Conservation Maps using map amendment criteria attached to this Plan, as well as County Regulations.
- C5-5 Cumulative impacts of recreational uses should be analyzed and considered as outlined in the attached criteria for amending maps for recreational use and all ~~Conditional~~ **Special Review** Use Permits.
- C5-6 New development with over a 100-participant capacity should annex into the Town Center subject to the "criteria".

D. TOWN CENTER GROWTH: To promote a cohesive community, growth in the Town Center should serve to enhance both the commercial and residential communities; and infrastructure needs in the expansion area should be pre-approved before any additional growth is considered.

- D1. Outer boundary of the Town Center should not expand before the Town Center is 75% developed or the map amendment criteria show a demonstrable community need and benefit. "Developed" means platted, approved and ready for building permit application.
- D2. Encourage high quality buildings.
- D3. Encourage development that is compact, environmentally positive, and aesthetically pleasing.
- D4. Monitor progress of development with the goals and policies of the Plan.

E. PARKS, TRAILS, OPEN SPACE, AND WILDLIFE PRESERVATION: The Divide Regional Plan incorporates the Teller County Parks Open Space Master Plan and the Wildlife Development Guidelines.

Parks: The Plan encourages the Divide Park Board, Inc., to continue its efforts to provide support for community and neighborhood parks.

Trails: Public trails in the Divide Region should connect the Town Center and Rural Residential areas to schools and recreation areas, providing safe, non-motorized travel routes.

Open space and wildlife Habitat: Preservation of natural vistas, pristine environments, and wildlife habitats is encouraged as recommended in the above Guidelines.

- E1. At Rule Creek, provide for both wildlife migration and a trail under Highway 24.
- E2. All development should comply with:
 - (a) Colorado Division of Wildlife 1996 or the most current recommendations for wildlife habitat.
 - (b) Specific standards limiting external effects (noise, glare, dust, fumes, vibrations, smoke, etc.).
 - (c) Design standards that reduce visual impact (such as large parking areas).
- E3. Identify and protect sensitive areas, and restrict incompatible development or activities.
- E4. Protect significant wildlife habitat areas shown on Division of wildlife maps.
- E5. Encourage open space/recreation easements as an alternative to land acquisition.
- E6. Support acquisition of environmentally significant lands and cultural sites by nonprofits and trusts.
- E7. Protect sensitive areas from established and proposed transportation corridors.

- E8. Trails should comply with the County's plan for Parks, Trails, and Open space.
- E9. Recognize and encourage the preservation of ranch and rangelands.
- E10. Encourage adequate parks for future residents in proposed residential developments.
- E11. Encourage existing subdivision residents and associations to plan for their recreational needs.
- E12. Public trails in the Divide Region should be compatible with the Parks Master Plan.
- E13. Trails should connect the Town Center and Rural Residential areas to schools and recreation areas, including State parks and the National Forest.
- E14. Proposed public trails in residential developments should connect with and continue the Parks Master Plan trail system.
- E15. Road expansion and improvements should provide for trails where shown in the Master Plan.
- E16. Investigate and seek available funds for trails, such as ISTEPA and State Trail Grants.
- E17. Preserve rural character, including large ranches and A-1 zoned tracts, natural vistas, pristine environments, and wildlife habitat, as provided in the Parks Master Plan.

F. ADEQUATE INFRASTRUCTURE: Any future growth should be supported by adequate infrastructure.

- F1. Growth anywhere in the Divide Planning Region should pay for itself.
- F2. Adequate infrastructure should be available concurrently with any growth.
- F3. Establish impact fees for roads, drainage, fire, and sheriff.
- F4. Impact fees, if designated by the County, should apply throughout the entire Divide Region.
- F5. School and park dedications should be equal to the need that will be created by development.
- F6. Impact fees for an existing parcel should be waived when the owner vacates a lot line in the Divide Region.
- F7. Provide adequate land for infrastructure and other utilities.
- F8. Discourage new subdivisions with lots less than 35 acres in size in areas served by community water unless community sewer is also provided.
- F9. Encourage all utilities to be underground.
- F10. Plan for public infrastructure to support no more than a doubling of population in 20 years.

G. COMMERCE AND INDUSTRY: Plan for small businesses and light, clean industries, including tourism, to help provide the tax base needed to support local services. Areas should not be offensive, overwhelming in

scale, or create visual blight or noise pollution.

- G1. Provide for business opportunities to serve the region and for employment opportunities for those living in the region.
- G2. Development scale and character must be consistent with existing Divide Region.

H. DEVELOPMENT, CHARACTER, AND QUALITY: The buildings, landscaping, and signs in the Town Center should have the distinct, cohesive character of a mountain community. Parking and traffic should be handled in a way that is hospitable to pedestrians.

- H1. The Town Center should be a whole community and not isolated separate communities - roads, walks and trails, architecture and arrangement of buildings, parking areas, lighting, signs, and landscaping should reinforce the image of one community.
- H2. In the Town Center, building design standards do not apply to single family detached dwellings.
- H3. In the Town Center, set minimum standards adjusted to building codes for construction and maintenance of buildings and sites to prevent deterioration leading to blighted conditions.
- H4. In the Town Center, design of buildings and sites should present a rural or residential character and should be oriented to the Town and not to the highways.
- H5. In the Downtown, encourage the County to work with businesses and residents to develop standards for architecture, signs, lighting, and landscaping that promotes a visually attractive and high quality development.
- H6. Throughout the Divide Region, site planning techniques and design standards should be compatible with natural topographic conditions and climate.
- H7. Encourage retail businesses and their products to be located in permanent structures as defined by Teller County's building codes. This policy is not intended to prohibit the use of temporary structures or outdoor display for special events such as weekend craft shows, festivals, or retail sales not normally subject to state sales tax.
- H8. The character of development in the Town Center Business Area should reflect the natural setting, climate, history and architecture that distinguish Divide as a rural mountain community.
- H9. County-owned property located in the Town Center that is visible from Highway 24 should be screened with landscaping. Non-usable vehicles should not be stored on County roads. Landscaping and tree berms should be part of the 25% PUD open spaces requirement. New buildings should be consistent with architectural guidelines.

I. TRAFFIC: We are concerned about the quality of roads and the effects growth may have upon the roads.

- I1. Design and locate driveways and parking so as not to interfere with the flow of traffic.
- I2. Provide adequate sidewalks and/or trails as appropriate in the Town Center. Trails may be the more appropriate solution instead of traditional sidewalks in keeping with the rural atmosphere in some areas of the Town Center.
- I3. Encourage reduced driving by locating car pool or park-'n'-ride lots to serve the region.
- I4. Encourage all new development to have or create direct access to Highway 24 or Highway 67 to limit increased daily traffic flow along current county roads. Having sufficient emergency evacuation capabilities is a vital concern for the safety and welfare of all Divide residents.

J. IMPLEMENTATION:

- J1 A keystone of the implementation of the Divide Regional Plan is the adoption into the Teller County Land Use Regulations of the Divide Growth and Conservation Maps as regulatory. Therefore, since any amendment to these maps may affect implementation of the Divide Regional Plan, Teller County and all concerned parties should consider "criteria for amending Divide Town Growth and conservation map" and "criteria for amending Divide Region Growth and conservation map" for recreational uses ~~-(resort CUP)~~. These criteria are attached to this Plan as criteria addendum "A" and criteria addendum "B".
- J2 Encourage adoption of the regulatory map to carry out this Plan at the same time the Divide Regional Plan is adopted.
- J3 The Divide Planning Committee should continue (1) as a point of contact in the Divide Region for those proposing or reviewing developments and other land use matters directly affecting the Divide Region, and (2) to clarify the intent of the Plan and its contents. Developments and other land use matters include:
 - > Residential, industrial and commercial development
 - > Transportation facilities
 - > Recreational facilities
 - > Educational and cultural facilities
 - > Water/sewer lines and treatment stations for incorporation into District facilities plans
 - > Review and adopt the Divide Water and sanitation District's Facilities Plan if it provides means to achieve objectives
 - > Site plan review for commercial development
 - > Development of covenants providing guidelines for architecture, signage, lot requirements, walkways and landscaping
 - > Identify adequate land for growth
- J4 The Committee should provide a forum for development decision-making

and Plan implementation.

- J5 Appointments to all County boards and commissions should be representative of the Divide Region.
- J6 Encourage the County to strictly interpret variance criteria, particularly with respect to maximum steepness of driveways and buildings sites.

ADDENDUM "A"

CRITERIA FOR AMENDING DIVIDE TOWN GROWTH AND CONSERVATION MAP

The Planning Committee envisions analyzing growth issues under the following criteria, listing pros and cons for each criteria thereby developing a track record of thought process. Some categories overlap with County Regulations while others are specifically targeted to the goals in our Plan to direct growth to the Town Center and protect our rural lifestyle. The Committee considers a Town Center map amendment as similar to a municipal annexation.

I. NEED

Is there a demonstrable need? How much potential development ground is left in the Town Center? Given the long term nature of a project approval process (acquiring water rights, preliminary planning etc.), is it the right time to expand the Town Center Boundary? Does the specific measure of the current percentage of ground developed within the Town Center generally match the percentage as defined in D1?

II. MARKET NEED

Is there a market need for the proposed project that is different than the needs being served by currently approved plans or preliminary plans?

III. COST / BENEFIT ANALYSIS

Would the inclusion of these lands within the Town Center bring specific benefits such as a compensatory trade or density to the Divide community that serves the community's desires or needs? Is there a benefit to the Divide Region as defined by the goals of our Plan? Are there dollar costs or detrimental impacts that should be considered? Does the development proposal pay its own way?

IV. SCALE

Are the magnitude, intensity and size of a proposal appropriate for our community?

V. LOGICAL EXPANSION

Does the proposal represent a contiguous, logical nature to the expansion of the Town Center? Are adjacent uses compatible?

VI. IMPACTS

Can impacts per County requirements and special concerns be mitigated appropriately? Impacts include but are not limited to the following:

- Emergency access, escape plan, including fire-related
- Roads, traffic
- Water supply and quality (drainage)
- Sewer / septic
- Fire protection and associated costs
- Sheriff protection

- Hazardous issues
 - spills
 - chemical explosions
- Quality of life issues
 - open space preservation
 - environmental
 - wildlife
 - views
 - road corridor vistas
 - lights
 - noise
 - odors
- Industrial agricultural, rural agriculture
- Cumulative community impacts
- Appropriate density

Prior amendments/approvals do not establish precedence. The Planning Committee should consider how each proposal will impact the vision outlined in the Divide Regional Plan.

VII. FUTURE

Might this request be appropriate if modified or implemented at some future date?

VIII. MAP AMENDMENT / ANNEXATION

Could there be an agreement (similar to a Development Agreement) outlining conditions precedent to map amendment and / or permanent restrictions or conditions on the property as part of the amendment?

ADDENDUM "B"

CRITERIA FOR AMENDING THE DIVIDE REGION GROWTH AND CONSERVATION MAPS FOR RECREATIONAL USE AND ALL ~~CONDITIONAL~~SPECIAL REVIEW USE PERMITS ON RURAL LANDS

I. EXISTING USES

Existing uses – should be encouraged to succeed and improve facilities and operations. This DOES NOT necessarily mean encouraging expansion.

II. NEW DEVELOPMENT

New development or addition of acreage to existing uses should consider the following criteria for approval.

a. SCALE

Is the magnitude, intensity and size of a proposal appropriate for the Divide community?

b. TRAFFIC

Does a new use have traffic access to Highway 24 or Highway 67 directly? Would existing use expansion to additional land have access roads appropriate for additional traffic, if any?

c. BUFFERS

Does the proposed new development have appropriate land buffer and or landscape buffers to protect residential areas and neighboring property from impacts?

d. EMERGENCY ACCESS

Are exits from property adequate to deal with emergencies, including fire?

e. CUMULATIVE IMPACTS (see definition)

Do other recreational uses add up to more-than-appropriate vehicle trips per day on a particular road? Do other recreational uses create an additional burden to infrastructure on a particular road or area? Is there significant and adequate distance between recreational uses? Is there another recreational use within a one-mile radius? Should this use annex into the Town Center? Does this recreational use over-develop rural land by significantly changing density of human activity that could occur otherwise on the property?

f. NEW DEVELOPMENT INCLUSION

Should the new development be annexed into the Town Center due to participant capacity as outlined in C5-6?

g. COST / BENEFIT ANALYSIS

Would the inclusion of an applicant's land within the Town Center bring specific benefits to the Divide community? Is there a benefit to the Divide Region as defined by the goals of our Plan? Is there a compensatory trade of density or other benefits? Are there dollar

costs or detrimental impacts that should be considered? Does the development proposal pay its own way?

h. AREA IMPACT

Does the proposal negatively impact Rural Residential areas? Noise, light, odors, trash, etc.?