

TELLER COUNTY PLANNING COMMISSION

Regular Meeting - 7:00 p.m., Tuesday November 25, 2014

City of Woodland Park Council Chambers, 220 W. South Avenue, Woodland Park, CO

Agenda Item III

Consider, and recommend to the Teller County Board of County Commissioners, a request for Text Amendments to the *Teller County Land Use Regulations* by Sanborn Western Camps/Colorado Outdoors Education Center (Ms. Jane Sanborn, Applicant) and N.E.S. Inc. (Ms. Andrea Barlow, Authorized Representative) to (i) add “Recreational Camps, Retreats and Outdoor Education Facilities” as a use-by-right to §2.6.1.A.1 *Agricultural Zone District*; (ii) delete retreats, counseling centers, summer camps, recreation camps, sports camps and other similar uses from the definition of “Resort” and add a new definition and specific provisions for “Recreational Camps, Retreats and Outdoor Education Facilities” to §8.3.Y *Resort*; and (iii) delete “summer camps” from §8.3.Q.1.d.(1) *Child Care Center*.

STAFF REPORT

File No. LUR Z14-0039

APPLICANT:

Sanborn Western Camps / Colorado Outdoors Education Center
(Ms. Jane Sanborn, Applicant)

REPRESENTATIVE:

Ms. Andrea Barlow, N.E.S. Inc.

REQUEST:

Amend the text of the *Teller County Land Use Regulations* (LUR) to (i) add “Recreational Camps, Retreats and Outdoor Education Facilities” as by-right uses to §2.6.1.A.1 *Agricultural Zone District*; (ii) delete retreats, counseling centers, summer camps, recreation camps, sports camps and other similar uses from the definition of “Resort” and add a new definition and specific provisions for “Recreational Camps, Retreats and Outdoor Education Facilities” to §8.3.Y *Resort*; and (iii) delete “summer camps” from §8.3.Q.1.d.(1) *Child Care Center*.

STAFF:

Ms. Lor Pellegrino, AICP, Senior Planner

LEGAL DESCRIPTION:

This text amendment would apply to all land and uses within unincorporated Teller County

ZONE DISTRICT:

All zones within unincorporated Teller County, especially the Agricultural (A-1) zone district

Publication Date:

November 12, 2014

Staff Report Date:

November 17, 2014

STAFF RECOMMENDATION:

Deny

1. SUMMARY OF REQUEST

The Applicant is proposing to text amendments various sections of the *Teller County Land Use Regulations* (LUR) related to certain special uses, specifically adding a new permitted use in the A-1 zone for “Recreational Camps, Retreats and Outdoor Education Facilities,” which the application then goes on to differentiate from the already existing *Resorts* special use.

Zoning and Use Permits.

In any typical zoning regulation, each zone district typically lists uses that are prohibited, permitted by-right, or allowed by permit. By-permit uses are a common standardized zoning tool created to add some flexibility to any given zone district by listing previously considered but usually more-intensive land uses that are subsequently subjected to additional review and typically granted by the prescribed local authority only with findings of compatibility with the surrounding area and compliance with local standards, conditions and requirements, such as they may be.

Teller County and Special Review Use Permits.

Not including overlay or obsolete zone districts, Teller County is divided into a total of ten land use zones including five agricultural/residential zones (A-1, R-1, R-1M, R-2, RR), four commercial/industrial/manufacturing zones (BC, C-1, L1, M-1) and one Planned Unit Development (PUD) zone. Each zone district allows two kinds of uses: (i) Permitted Uses allowed by right subject to compliance with the land use regulations, and (ii) Special Review Uses allowed by permit. A land use is prohibited if it is not listed as either a permitted or special review use, without an amendment to the LUR or a staff determination of similar use [LUR §2.1].

Special Review Use Permits are applicable to those uses of a special nature that make it impractical to predetermine that they are appropriate as permitted uses in a particular zone district. Based upon review of circumstances such as location, design, density, and intensity, and the imposition of appropriate conditions, special review uses may be determined to be compatible and allowed by Special Review Use permits [LUR §8.1]. All Special Review Uses are subject to the submittal requirements specified in LUR §8.2.B including, but not limited to, submittal of an application form complete with a written description of the proposed specific use with all uses identified, submittal of an appropriate site plan(s), written and/or graphic information sufficient to demonstrate compliance with infrastructure, site development, critical area, the specific proposed use requirements, and the comprehensive special review use standards. The issuance of a Special Review Use Permit is dependent upon finding evidence from competent authority that the proposed use, as may be conditioned, complies with all special review use standards applicable to that use(s) including consistency with the master plan, compatibility with the character of surrounding land uses, compliance with the infrastructure, site development, critical area, zone and specific use standards and requirements, and findings of minimal adverse impacts to resources, infrastructure and surrounding land. Broad flexibility built into the Special Review Use process allows staff to approve minor deviations from an approved Special Review Use Permit for deviations that appear necessary in light of technical or engineering considerations not reasonably anticipated during the initial permit approval process (including but not limited to small changes in building footprint or location of infrastructures such as roads, water or sewage lines) [LUR §8.2.H].

Teller County recognizes three categories of Special Review Uses and permits: (i) Administrative Uses (AUP) with little to no impact and subject to review with final determination by staff, (ii) Conditional Uses (CUP) with more impacts than by-right uses but less than industrial or commercial uses and subject to review by staff and the Planning Commission with final determination by the Planning Commission, and (iii) Special Uses (SUP) with intense or heavy impacts and subject to review by staff, the Planning Commission and the Board of County Commissioners, with final determination by the Board of County Commissioners [LUR §8.2.A].

Resorts and the Current LURs.

Currently, *Resort* uses are only allowed in Teller County as a Special Use in the A-1 zone district [LUR §2.6.1.A.4] after the thorough review of an application (including at least two public hearings) and a finding

of compatibility and LUR compliance by staff, the Planning Commission and the Board of County Commissioners, with final permit approval granted by resolution by the Board of County Commissioners.

Definitions, additional requirements, and conditions for *Resort* Special Uses are specified in LUR §8.3.Y as follows:

Resort. *Lots, parcels, or tracts of land improved with buildings (or other habitations) and sanitary facilities, generally used for short term or extended occupancy chiefly for extended rest or recreation, and often provided with lodges with dining rooms and/or accessory shops. The term "lodges" when used in connection with Resorts means a hotel or similar establishment providing sleeping rooms or apartments in a main building, or cabins, or other sleeping or living accommodations. The term "Resort" also includes "retreat" or "counseling" centers, "summer camps," "recreation camps," "sports camps" and other similar uses where permanent facilities are used and occupied for short term or extended periods. The term does not include Campgrounds or Recreational Vehicle Parks as otherwise defined in these Regulations.*

Resorts / Recreational Facilities and Past LURs.

Teller County originally adopted zoning in July of 1973. The first zoning regulations divided the County into five zoning districts with each zone containing principal permitted uses allowed by right and conditional uses allowed by permit. Resorts were considered *Recreation Facilities* and allowed as Conditional Uses in the A-1 and R-1 zone districts with the first zoning regulation.

In July of 1975, the Board of County Commissioners, as part of various unrelated miscellaneous changes, approved a text amendment adding the following definition to the zoning regulation:

Recreation Camps, Summer Camps and Resorts. *Areas of land improved with buildings (or other habitations) and with sanitary facilities, generally used for more or less extended occupancy, often provided with lodges with dining rooms and/or accessory shops and designated chiefly for rest or recreation. The term "lodges" when used in connection with Recreation Camps, Summer Camps and Resorts shall mean a hotel or similar establishment providing sleeping rooms or apartments in a main building and with or without accessory cabins or other sleeping or living accommodations. Nothing herein shall be construed to permit a trailer camp or trailers for use as sleeping or living accommodations under this definition. [BCC Resolution recorded at 11:00 a.m. July 24, 1975 at Reception No. 240778 in Drawer 17, Card 278]*

This resolution further specified that "Recreation Camps, Summer Camps and Resorts" be an outright permitted use in the A-1 zone district.

Although it is not known how many, resorts legally opened, operated and existed for 12 years as a by-right use from 1975 until July 1987 when, by BCC Resolution 7-2-87(12), they were re-categorized as *Public, Private, Commercial Recreational Activities* requiring a CUP in the A-1 zone and defined as follows:

Public Recreational Activities: Means public parks, zoos, swimming pools, golf courses, shooting ranges, and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which fall within the definition of the word Public Use....

Private Recreational Activities: Includes golf courses, tennis courts, swimming pools, country clubs, shooting clubs, recreational facilities for fraternal organizations, hunting and fishing clubs, and the like, all of which are owned and operated by nonprofit organizations with a limited membership.

Commercial Recreational Facilities: Includes recreation camps, resorts, ski areas, swimming pools, tennis courts, shooting facilities, country clubs, summer camps, hunting and fishing clubs, and the like, operated on a commercial basis for use by the paying public.

Effective January 1, 1998 Teller County replaced the zoning regulations with an entirely new consolidated, alphabetized and tabulated LUR. In the 1998 LURs, the public, private, commercial recreational activities definitions were maintained with *Recreational Facilities – Commercial* allowed as a by-right permitted use in the PUD zone and *Recreational activities – public, private, commercial* allowed in A-1 as a CUP. From 1998 on, more resorts are opened and operated under Commercial Recreational Facilities CUPs.

On January 1, 2008, Teller County once again replaced the LURs with an entirely new, reformatted LUR and it is in this current version that *Resorts* specifically defined (see above) as a use that primarily offers transient and temporary lodging accommodations, including customarily incidental and ancillary uses such as business, office, restaurant, meeting, event, shop, recreation, education, and staff residential facilities. It is also in the 2008 LURs where *Resorts* are listed as Special Uses with permits approved by resolution of the Board of County Commissioners.

The introduction of Special Uses in 2008 shifted many previously approved resorts, some permitted as Recreational CUPs, to a legal non-conforming status. They are legal in that the use was approved under the appropriate and applicable regulations in place at the time of application but they are non-conforming in that they do not comply with existing and current regulations. Legal non-conforming resorts approved as Recreational CUPs may continue in the configuration subject to the conditions under which they were approved, but any growth or expansion must conform to the current LURs. This typically means that resorts proposing to expand and operating under a Recreational CUP must apply for and receive a *Resort* SUP to be compliant with the current regulations.

Since the implementation of zoning in July of 1973, Teller County has approved over 30 recreational and resort uses: 28 as CUPs or SUPs, two as outright permitted uses in PUD zones, and one (which included a land exchange) approved through a development agreement. Staff recognizes, as with all uses, that there may also be some legal and illegal non-conforming recreational and/or resort uses occurring throughout the County. It should be noted that in 2012, the Board approved an amendment to the LURs allowing greater flexibility to, within limits, modernize, expand, enlarge or alter all legal non-conforming uses and structures. That text amendment was successfully proposed by the same applicant proposing this text amendment.

Growth Management Plan (GMP). Staff believes that the County's existing use permit process and regulations are the implementation and codification of many of the GMP's goals, objectives, policies and strategies. For example, the use permit application submittal, along with the review and approval process, is a zoning tool that regulates the use of land on the basis of the impact on the county and its communities (GMP Goal #2), the location of activities and developments which may result in significant changes in population density (DMP Goal #4), and development and activities in hazardous areas (GMP Goal #5). Further, staff believes that the existing use permit process serves to protect lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger wildlife species (GMP Goal #6), preserves areas of historical and archaeological significance (GMP Goal #7), provides for appropriate quality design, arrangement, and affordability of development that will enhance the sense of community for the county's communities and regions (GMP Goal #9) and provides for balanced diversified economic development strategies and opportunities (GMP Goal #10). The use permit process is a regulatory technique identified specifically to provide orderly land use and the protection of the environment in a manner consistent with constitutional rights (GMP Objective #1A). Staff believes that the existing use permit process and regulations provide a predictable and consistent development review process based upon the meeting of specified standards (GMP Policy #1A-11), the review of proposals by appropriate technical personnel (GMP Policy #1A-12), and satisfies numerous GMP policies and strategies calling for a thorough review and analysis of development proposals (including but not limited to GMP Policies #2A-3, 2A-4, 2A-12, 2A-14, 2B-1 to 3, 4A-3, 4A-10, 9A-3, 9A-9, 9B-14, 9B-48, 9C-7, 10A-9). Staff believes that this application, and most likely any proposal to eliminate or de-regulate part or all of the use permit process, undermines and imperils many of the legislatively adopted GMP goals, objectives and policies.

BCC Philosophical Position. With any regulatory change, consideration must be given to the informal philosophical position of the Teller County Board of County Commissioners in the development of Land Use Regulations for Teller County, Colorado. This informal position, created and continually reviewed by the various Boards of Teller County Commissioners, states:

By consensus, the Teller County Board of County Commissioners believes that the use and development of land within the unincorporated areas of Teller County should be orderly, appropriate and sensible. The development of land should respect personal freedom and rights, while balancing the health, safety and welfare of all citizens of Teller County. The balancing of these interests should not result in onerous regulations for the citizens of Teller County.

The development and promulgation of any and all Land Use Regulations in Teller County must be tempered and evaluated by this position.

The staff and the Teller County Planning Commission should acknowledge and consider the Board's position on this matter. Similarly, the Board acknowledges that the development of regulations and deliberation on the subject is a delicate balance between the ability to develop and the ability to regulate. The differences will, of necessity, be measured by degrees.

Staff believes that implementation of the current application proposal would be onerous for staff and the citizens of Teller County and jeopardizes the County's ability to regulate impactive land uses. Just monitoring the proposed 20% threshold of intensity alone, for example, would be time consuming, potentially confusing, and subjective in the long term. The Planning Department is committed to providing open, transparent application processes to the public so that the most informed decisions can be made. This text revision would reduce transparency in the Special Review Use Permit application process.

2. **SUBMITTAL REQUIREMENTS**

SUBMITTAL REQUIREMENT	STAFF COMMENT
Section 3.2	
Application Form	Submitted
Title Commitment, Title Guarantee, Attorney's Title Opinion or O&E	Not Applicable
Adjacent Property Owners List	Not Applicable
Mineral Interest Owners List	Not Applicable
Adjacent Property Owners Mailing Labels	Not Applicable
Written statement describing request, reasons for request, and how standards are met.	Submitted
Specific Submittal Materials	Not Applicable
Fee	Submitted
Section 2.11.C.1.a - b Text Change	
a. <u>Use Change</u>. Where the change proposed is a change in use or addition of a new use in a particular zone district, Applicant shall submit a written analysis of the considerations set forth in <i>Section 2.1.D Determination of Similar Use</i> .	Not Applicable
b. <u>Specific Language</u>. Where the change proposed amends the text of these Regulations, the precise wording of the proposed new text shall be provided.	Submitted

3. **REVIEW AGENCY RESPONSES**

REVIEW AGENCY	COMMENTS (see Appendix A for full copy)
Teller County Attorney	Comments are reflected throughout this Staff Report.
Teller County Building	Referral sent; no written response received.
Teller County Transportation	Concerns regarding existing traffic data, unlimited expansions and evidence of adequate legal access. See memo by TCPW-TCDOT (Bryan Kincaid, ROW Supervisor) dated Sept. 9, 2014.
Teller County Environmental Health	Referral sent; "no comment" written response received.
Teller County Parks	Referral sent; no written response received.
Four Mile Regional Planning Committee	Does not support the proposed changes but does support facility modernization/upgrade that does not change intensity of use or external impacts. See email dated Sept. 27, 2014 by Greg Liverman, Chair <i>et al</i> .

4. DISCUSSION OF MAJOR CONCERNS AND ISSUES

Staff, the Planning Commission, and the Board of County Commissioners all endeavor to consistently review and assess Special Review Use Permit applications, and all development applications for that matter, in order to make fair and prudent decisions within their purview and subject to their discretion.

Staff believes that this application does not substantially distinguish or differentiate “Recreational Camps, Retreats and Outdoor Education Facilities” from the current *Resort* Special Use category. In fact, staff believes that the current *Resort* definition and the special use process to which it is subject adequately and sufficiently capture and address recreational camps, retreats and outdoor education facilities and activities. Pulling recreation camps, retreats and outdoor education facilities from the *Resort* category and adding it as new use category, as the applicant suggests, would add confusion and inconsistency to the LUR, as well as the implementation of the LUR, resulting in a situation that would likely result in unintended consequences, conflicts, and difficulties. All uses allowed by permit, whether existing or newly proposed, should consistently be subject to the use permit process as established and implemented since zoning came into effect in the County in 1973. Further, it would be inconsistent to allow a use category by-right, and then require AUPs or SUPs to parts of the development proposal, as would be the case in the current proposal. It would be inconsistent to treat existing camps one way and new comparable camps a different way, as would be the case in the current proposal. Staff believes it would be neither fair nor just that a special process be created for recreation camps, retreats and outdoor education facilities whereby the County would be regressing to that 12-year period between 1975-1987 when resorts were by-right uses, primarily because the impacts would not be assessed for one of Teller County’s most impactful land uses. Finally, if the new use category were created and allowed by-right, confusion would result concerning existing *Resort* CUPs and SUPs.

It is the County’s goal to seek conformance with the LUR in all instances. It is the purpose of the LURs to afford sufficient input and evidence by affected citizens and experts to allow for informed decisions by decision makers so that the general welfare of all Teller County is considered. It is the purpose of the LURs to manage land use, respect critical areas, and help assure good site design and minimize impacts. Under the current existing LUR, grandfathered or legally non-conforming resort uses may continue to exist, and even expand or propose minor deviations within limits, but ultimately any new development or changing existing development is subject to the applicable LURs. All legal and illegal non-conforming uses should seek compliance and conformance to the applicable local zoning regulations, such as they may be. All resorts, if they don’t already have one, should apply for and receive a SUP upon growth or expansion. It is only upon granting such a use permit that the County is able to ascertain that on- and off-site impacts (if any) have been appropriately and adequately addressed and mitigated. Finally, staff believes the ability (albeit limited) for minor deviations to special review use permits and alteration of legal nonconforming uses and structures provides sufficient flexibility to modernize resorts without having to go through a full use permit process.

Public Comment. As of the writing of this staff report, written comments have been received from four residents of the Divide community (see **Appendix B** for a full copy of these letters). None of these residents are in support of the proposal.

5. STAFF FINDINGS

The wisdom of amending the text of the Teller County Land Use Regulations is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In determining recommendations, and whether to adopt, adopt with modifications, or disapprove the proposed amendments, the Planning Commission and Board of County Commissioners shall consider the standards in LUR §2.11.E:

STANDARD	STAFF FINDING
§2.11.E.1 Text Amendment	
a. <u>Consistent with Master Plan.</u> Whether the proposed amendment is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).	This standard is not met. The proposed amendments are not consistent with the purposes, goals, objectives and policies of the Teller County Growth Management Plan. Staff believes that the <i>Resort</i> use is currently adequately defined and appropriate listed as a special use and further that the use permit process is adequate and appropriate as an application process for resorts that wish to propose growth or expansion.
b. <u>Changed Conditions.</u> Whether the proposed amendment is necessitated by a change in economic, population, technological or other conditions requiring amendment to these Regulations or modification of zone district standards, and whether it is in the interest of the public health, safety, and welfare to amend the Land Use Regulations and/or encourage a new use or density in the area.	This standard is not met. The proposed amendments are not necessitated by a change in economic, population, technological or other condition and are not in the best interest of the public health, safety and welfare of the residents of Teller County. This LUR amendment does not appear to be an adequately balanced proposal between the applicant and the greater Teller County community. The use permit process should continue to exist in its current form and should be consistently applied for all growing or expanding uses.
c. <u>Effect on Natural Environment.</u> Whether the proposed amendment would result in adverse impacts to the natural environment, including water, air, noise, stormwater management, wildlife habitat, vegetation, and wetlands, that cannot be substantially mitigated.	This standard is not met. The proposed amendments might well result in adverse impacts by eliminating existing application processes that provide transparency in land development, including the full review and assessment of any growth or expansion.
d. <u>Community Need.</u> Whether the proposed amendment addresses a demonstrated community need.	This standard is not met. A community need for the proposed LUR amendments has not been demonstrated.

6. **RECOMMENDED MOTION**

I move that the Teller County Planning Commission recommend to the Board of County Commissioners that it DENY the request by Sanborn Western Camps/Colorado Outdoors Education Center (Ms. Jane Sanborn, Applicant) and N.E.S. Inc. (Ms. Andrea Barlow, Authorized Representative) to (i) add “Recreational Camps, Retreats and Outdoor Education Facilities” as a use-by-right to §2.6.1.A.1 *Agricultural Zone District*; (ii) delete retreats, counseling centers, summer camps, recreation camps, sports camps and other similar uses from the definition of “Resort” and add a new definition and specific provisions for “Recreational Camps, Retreats and Outdoor Education Facilities” to §8.3.Y *Resort*; and (iii) delete “summer camps” from §8.3.Q.1.d.(1) *Child Care Center*, incorporating staff’s findings contained in the staff report dated November 17, 2014, and further finding that the request is not consistent with the purposes, goals, objectives and policies of the Teller County Growth Management Plan, and does not meet the standards and requirements for text amendments contained in *Section 2.11.E.1* of the Teller County Land Use Regulations.

APPENDIX A: REFERRAL RESPONSES



PUBLIC WORKS
308-A Weaverville Road
P.O. Box 805
Divide, CO 80814
(719)687-8812 Fax (719)686-5454

MEMORANDUM

TO: CDS - Planning

FROM: TCPW - TCDOT

DATE: September 9, 2014

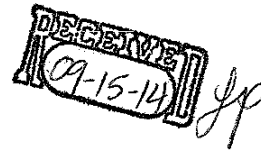
RE: LUR text amendment – Sections 2.6.1.A.1, 8.3.Q.d and 8.3.Y

After review of the submittal, I offer the following:

1. I see nowhere that existing traffic data (volume and/or types) is proposed to be tracked or supplied, nor that any increased data is proposed to be tracked or supplied. If each "Minor expansion" (whether by expansion of existing structure or construction of a new structure) is allowed to increase intensity up to 20% or 40 additional overnight beds, it seems theoretically possible that the potential to additional impacts are endless, both in intensity and overnight beds. How will any 20% increase be handled? What data is proposed to be provided (both existing and new) to assure that no minor expansion results in greater than 20% increase in intensity than what is currently present? I do not see that addressed in submittal.
2. Applicant states that "The proposed text amendment will not lead to "sprawl in development" or increase the strain on public facilities and services." If no strain on public services is to be realized from the theoretically possible unlimited expansions of 20% each, how can the statement be true? Again, what data is to be provided to prove and confirm such statement?
3. I do not see any items related to demonstration of adequate legal access if not directly abutting County-maintained road(s) or dedicated public use road(s).

If you have any questions or concerns, please feel free to ask.

September 11, 2014



To: Teller County Planning Commission
Teller County Planning Department

Subject: Land Use Regulations Text Amendment
File: LUR-00043(14)

The Divide Planning Committee (DPC), through a quorum of our members, have reviewed and discussed the merits of the afore stated Land Use Regulations (LUR) Text Amendment. The Divide Planning Committee, having first been presented the Land Use Regulations Text Amendment on August 27, 2014 and having reviewed the Land Use Regulations Text Amendment and the Divide Regional Plan, have established the following opinions.

Sections in the Divide Regional Plan which relate to this LUR Text Amendment include:

1. C5-3: *Existing designated recreational uses within the Divide Region should be encouraged to be successful and encouraged to improve their facilities and operations.*
2. ADDENDUM B – I: *Existing uses – should be encouraged to succeed and improve facilities and operations. This DOES NOT necessarily mean encouraging expansion.*

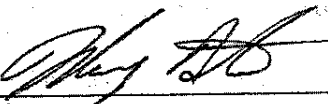
While the DPC is in agreement with the intent of the proposal to facilitate remodeling and minimal expansion of Recreation Camps, Retreats or Outdoor Education Facilities, we have a few suggestions/concerns.

1. In Amended Section 8.3.Y 1. Definition, it states in the final sentence of the second paragraph ‘Campground/recreational vehicle areas do not require a separate use permit if operated as part of a Recreation Camp/Retreat/Outdoor Education Facility’, there is concern that this would create undo traffic and expansion that circumvents the public process.
2. In Amended Section 8.3.Y 2. a. Minor Expansion of Existing Facilities, the term ‘intensity of use’ does not appear to be clearly defined; square footage may be a more appropriate term. ‘Intensity of use’ could reach far beyond the physical limits of an existing structure and/or a proposed new structure.
3. In Amended Section 8.3.Y 2. a. Minor Expansion of Existing Facilities it states that ‘The requirements of Chapter 4 Infrastructure, Chapter 5 Site Development, and Chapter 6 Critical Areas of these Regulations will not apply to minor expansion of existing facilities within the thresholds identified above’ the DPC

does not feel as though it is appropriate to simply disregard these sections of the code.

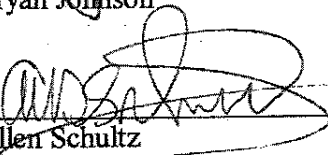
4. In Amended Section 8.3.Y 2. a. Minor Expansion of Existing Facilities a timeline has not been included to prevent a Recreation Camp/Retreat/Outdoor Education Facility from expanding 20% or 40 beds at a time every six months. We realize that the current facilities do not have the intention of doing this, but in the best interest of the public we feel a timeline should be included to limit the frequency of the 'Minor Expansions'.
5. In Amended Section 8.3.Y 2. a. Minor Expansion of Existing Facilities it does not appear as though a public notification process has been included. While it is defined as a 'Minor Expansions', as residents of Teller County, it would be much appreciated to be made aware of 'Minor Expansions' in our various neighborhoods.

Respectfully Yours,

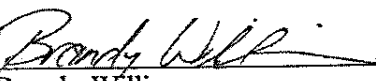

Mick Bates


Diana Hurst

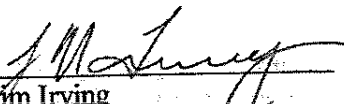

Bryan Johnson

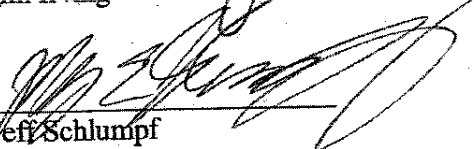

Allen Schultz

Zug Standing Bear

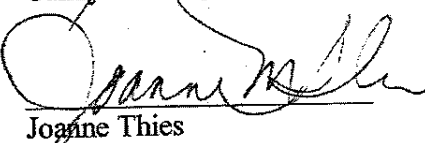

Brandy Williams

Vanessa Haakenson


Jim Irving


Jeff Schlumpf


Candy Shoemaker


Joanne Thies

Pellegrino, Lor

From: Greg Liverman [liverman@att.net]
Sent: Saturday, September 27, 2014 12:16 AM
To: Pellegrino, Lor
Subject: Four Mile Regional Planning Committee Comment on LUR-00043(14) - Amendments to Certain Sections of the Teller County LUR

Regarding: Amend LUR Sections 2.6.1.A.1, 8.3.Q.d and 8.3.Y, File No. LUR-00043(14)

Thank you for the invitation to comment. Our comments will focus on how the proposed changes are addressed by the Four Mile Regional Action Plan (FMRAP), adopted by the Teller County Board of County Commissioners as part of the Teller County Growth Management Plan in 1998.

The Four Mile RAP intent is the preservation of “the character and environment of our planning region” (page 1, FMRAP) and concerns itself with impact of land use to the common areas of the region: air quality, water quality, viewsheds, noise, roads, services (fire, EMS, police, etc.), wildlife, etc.

Our vision states “businesses with a history of operation at a specific location will continue to operate, however there will be no further commercial development in the planning region” (page 1, FMRAP). Growth (intensity and impact) of existing commercial operations, regardless of profit intent, is not supported.

The Four Mile RAP further states that “historic uses of existing business only” is supported and any uses “whose primary purpose is non-agricultural commercial activity” are discouraged (page 4, FMRAP). For example, “Campgrounds”, for whatever purpose and in whatever context, are not supported by the plan.

The Four Mile Regional Action Plan does not support the proposed changes to the Teller County LUR section 8.3.Y and 8.3.YY (using the references in the proposal):

- The definition in the proposal of “Recreation Camp, Retreat or Outdoor Education Facility” is a distinction without a difference when evaluated with regard to potential impact to the common areas of the region. Resorts, camps, campgrounds, retreats, outdoor education facilities, etc. come in all shapes and sizes. The change to the LUR in 1986 was to allow each instance to be evaluated on the basis of its particular impact to the common areas in its own region. Classifying use by intent rather than impact is not congruent with the Four Mile Regional Plan intent and vision.
- The allowance of an increase of intensity of impact by 20% per request with only an administrative review has the ability to allow unlimited quantitative and qualitative growth through multiple incremental requests without community or supporting agency (fire, police, EMS, road and bridge, etc.) involvement. Enlargement of any commercial operation within the Four Mile region as measured by

On the other hand, and in keeping with our vision that “businesses with a history of operation at a specific location will continue to operate”, modernization or upgrading of facilities, including enlargement or re-siting of buildings or use locations within the property, that do not change the intensity of usage and external impacts as measured by, for example, such metrics as:

- vehicle trips
- ton-mile impacts to roads
- requirements for fire, police and EMS services
- noise and light emanations beyond the property boundaries
- impacts to viewsheds (e.g., visibility of buildings from outside the property boundaries)

should be facilitated with minimum cost and impact to the landowner.

The following Four Mile Regional Planning Committee members were communicated with regarding this issue:

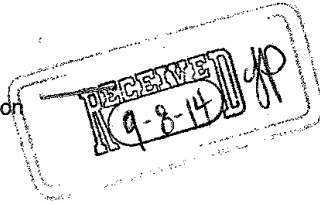
- Andy McKee
- Cricket Buckley
- Barbara Stone
- Bev Hindman

Greg

Greg Liverman
Four Mile Regional Planning Committee
Email: liverman@att.net
Phone: +1 719 689 0787

APPENDIX B: PUBLIC COMMENTS

Teller County Planning Commission
P.O. Box 1886
Woodland Park, Colorado 80866
File Number LUR-00043(14)



September 2, 2014

88 Broken Wheel Pl.
Divide, Colorado 80814

Dear Commissioners,

A group of "camps" is asking to change the Teller County Land Use Regulations to give them even more special consideration than they already have. They complain that the Special Review Use Permit processes are "unduly onerous", and that they cannot afford to negotiate the difficult and time consuming task of complying with the regulations as they currently exist.

While these "camps" plead poverty on one page of their application, they state that they spend approximately 3.54 million dollars annually to maintain and improve their facilities on another. They also claim that their activities are "low intensity, seasonal operations" and therefore have less impact on roads and utilities than year-round businesses, and then their own "statistics" page states that they bring 53,000 visitors to Teller County yearly. (This figure is low because all camps did not answer the poll). The visitor figure is probably closer to 100,000, and that is not "low intensity". As for the seasonal aspect, one can look on any Teller County recreation website and see that most of these businesses are open year-round. Why should these businesses be subject to lesser regulations than every other business in Teller County? They are already tax-exempt, so enjoy an unfair advantage over private business involved in the same endeavors.

This proposal allows construction of new structures that can increase the number of beds at a facility by 20%, without any public notification or comment. In the case of Golden Bell Camp, a 20% increase could mean 200 beds. This construction would be subject to "administrative review", which means it would only be seen by the planning department. No input by adjacent property owners, no comment by the Transportation Department, emergency service providers or any other county entity that would normally view the plans. Construction of campgrounds/recreational vehicle areas would also not be subject to normal regulation/review. There are no limits as to the number of "projects" that can be done in a given time frame. They also plan removal of the infrastructure requirement, site development analysis, and environmental critical areas impact statement.

While it is true that a majority of the camps involved in this proposal have been here since before Teller County had any land use regulations, the task of becoming compliant with building codes and regulations is not difficult. Quaker Ridge Camp just went before the Planning Commission and got permission to improve their facilities. Most counties in Colorado give "legal, non-conforming" businesses a certain amount of time to become compliant. Teller County should be no different.

It is time for Teller County to institute impact fees for these businesses that cause great harm to our roads and infrastructure, while they ask the rest of us to pay for it whether or not we agree with their "mission". The "camps" claim that "using a common tourism industry multiplier", their visitors COULD spend 5.1 million dollars going to and from their facilities. My personal feeling is that most of these visitors cannot wait to arrive at the camp to get their first free meal. They would have the need to purchase something occasionally, but my guess is that these visitors are a net loss to most of the residents of this county and the "statistics" sighted by the applicants are grossly misrepresented.

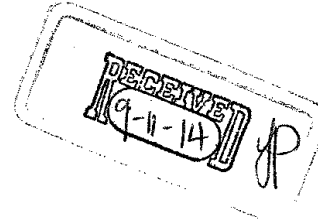
My recommendation is that this application be denied, and impact fees for tax-exempt organizations be implemented.

Sincerely,

Steve Storrs

September 10, 2014

Teller County Planning Commissioners
C/O Planning Department
800 Research Drive, Suite 100 – Tamarac Business Center
Woodland Park, CO 80863



Dear Planning Commissioners,

Regarding LUR Application: LUR-00043(14), an application to amend Sections 2.6.1.A.1, 8.3.Q.d, and 8.3.Y to distinguish 'Recreation Camp, Retreat, or Outdoor Education Facility' uses from Resort special uses and to allow these 'camp' uses as an outright permitted use in the A-1 zone district (with conditions).

I offer the following **opposing** position to this application. This is a County wide proposed change to the zone districts, uses, process, and policy previously established in our County.

As part of their application, this application represents Sanborn as well as other Camps, Retreats, and Outdoor Education Centers to ensure that all *their interests* and concerns are represented in this text amendment. This statement is then followed by a list of various, though not all, *camps*. Might there be others who'd be included?

This application is perceived to establish a 'protected' or otherwise *designated group* in order to give *special consideration* in land use and planning while the Teller County Master Plan, Teller County Land Use Regulations and Divide Regional Plan, along with perhaps any other sub-area plans to which I am unfamiliar, already state and promote otherwise.

Our Teller County Growth Management Strategy and in my case, the sub-area Divide Regional Plan, already lay the groundwork and provide the suggested blueprint for how growth is to be managed and directed. Any existing or new resident looking at these documents would see and would be able to have a reasonable expectation of what managed or 'directed growth' will look like throughout the region as portrayed through the 'vision' and supporting statements. Both Staff and Commissioners alike have verbally given weight to the formation and publication of the existing sub-area plans and how these plans were developed through a public process. Interestingly enough, some of the same people from that previous public process now appear to be on this application to request that that very process NOT apply to them. Whether it is the Divide Regional Plan that clearly promotes ONE Town Center or the Master Plan that further lays out the characteristics for Rural and Residential land that are *outside* the Town Center; the point being is that existing planning documents currently describe and promote where growth areas are expected following the growth node concept; conditions under which the various Town boundaries may expand to include additional land and where land use is, and is expected to be, more restricted. The Master Plan devotes many pages to its process and ultimate decisions to follow a directed growth model vs. say an unlimited or no-growth strategy. Key word being comprehensive **strategy**!

The Teller County Land Use Regulations already lay out the permitted uses and what uses require special, conditional, or administrative approval. The 'camps', and other parties listed in this application that are not specifically camps as I may think of the term, are well aware of these regulations and have even followed them in the past. One has to question why try and change it all now, other than as stated, to ensure their interests and concerns get some sort of different consideration and to help divest themselves of the public process, with a *highest and best use*, easy as possible, attitude.

There have been recent, as well as historical camp applications that have resulted in lively and sometimes contentious discussion, feedback, support, controversy, and concerns stated from Teller citizens. The very outpouring of input by local citizens serves to underscore the need for Land Use Regulations, NOT the elimination of them!

Citing Wikipedia (http://en.wikipedia.org/wiki/Special-use_permit) for Special Use permits:

Special Use Permit

A **special use permit** is a US term, which allows a specific exception to the zoning regulations from a list of acceptable exceptions for a particular parcel of land in a district of a particular zoning character. The local zoning authority reviews and grants special use permits.

Purpose

Land use is governed by a set of regulations generally known as ordinances or municipal codes, which are authorized by the state's zoning enabling law. Within an ordinance is a list of land use designations commonly known as zoning. Each different type of zone has its own set of allowed uses. These are known as by-right uses. Then there is an extra set of uses known as special uses. To build a use that is listed as a special use, a special use permit (or conditional use permit) must be obtained.

US Zoning Model Act

The Standard State Zoning Enabling Act allows special use permits based upon a finding of compatibility with surrounding areas and with developments already permitted under the general provisions of the ordinance.

Abuse

If the local zoning authority grants a special use permit that exceeds the discretion allowed to it, then an incidence of spot zoning may arise. Such discretion then may be attacked as ultra vires and the special use permit overturned.

As you are the local zoning authority that grants 'exceptions' to existing zoning from what is *permitted* vs. what uses **MUST BE** obtained by permit, it is expected that this process has merit and will remain in place. It is further understood by persons such as myself, that existing zones and allowed uses in the original zoning was planned and designed to be permanent, leaving a strong 'presumption of correctness' in the AS-IS zoning ordinances. It is my opinion, based on the content that this application proposes a drastic change to the process that does NOT conform to the existing comprehensive and sub-area plans as written. Rather it suggests leaving the proverbial fox in charge of the hen house with no public input, scrutiny, or oversight by the local zoning authorities whose job it is to grant or deny such exceptions. Having a comprehensive strategy is far more than a public service, isn't it actually statute driven?

To make such a *substantial change* as the one under consideration at this time, it seems the burden will fall to the applicants and/or County to show that there is a public need for the kind of change in question and that the need is best met by the proposal under consideration. Does making such a case imply the original zoning was done in error and therefore must be corrected? Or that there has been such a substantial change to conditions in our area, (I picture along the lines of Katrina) that this proposal is somehow prefaced with a *substantial event*? It seems unlikely such an event would go unnoticed or that documents that state in great detail why they should be considered balanced, really are not.

In order to further our Comprehensive Plan as it relates to the actual zone districts and permitted uses previously set forth, I propose that the applicants, just like some that have done before and like everyone else who seeks an exception in the future, **MUST** continue to apply for and be denied or granted an exception by the appropriate zoning authority. None of us exist in a vacuum and areas do evolve and grow over time. This existing process helps ensure transparency as areas continue to grow in a manner that furthers our Comprehensive Plan rather than introduce ambiguity and secretive land use to which others, also living and operating in the very same county, need not be made aware of and somehow don't deserve to have any input about. This does not seem to be a good fit with the essence of planning.

Sincerely,

Deni Davidson - Broken Wheel subdivision, Divide.

My point of view is purely my own as a property owner, seller, and longtime resident of Teller County.

THOMAS H. WORLEY
265 Broken Wheel Drive
Divide, Colorado 80814

September 16, 2014

Teller County Planning Commission
c/o Planning Department
P.O. Box 1886
Woodland Park, CO 80866

RE: LUR-00043(14)

Planning Commissioners:

I strongly encourage you to recommend denial of this application. I am sure that with all of your time spent on this commission, you will readily see that this has nothing to do with a text amendment. It should be very obvious that this is an Amendment to Official Zone Map (Rezone) application.

The application process is such that if there are any property owners represented in the application, they must be listed. The application states that there are no property owners, with no specific property involved. What about Sanborn Western Camps, Golden Bell, Quaker Ridge Camp, Trout Haven, John Wesley Camp, Rocky Mountain Mennonite Camp, Camp Elim, Girls Scouts of Colorado (Sky High Ranch), Sonscape Re-creation ministries, Cathedral Ridge, and El Tesoro Retreat Center? The cover letter from NES Inc. states that they specifically represent these camps/retreats. Therefore there are property owners, and there are specific properties involved.

No adjacent property owners were notified of this application. Again, the application states that there are no adjacent property owners, but yet there are many properties adjacent, and in some cases surrounding these Camps/Retreats. Why, were they not notified? The best way to push through a highly impactful change to the LUR's and surrounding property owners is to not notify them.

NES Inc. in its Project Statement letter, states that "Camps cannot expand their operations or even replace/upgrade obsolete facilities (other than in strict accordance with LUR 1.13.D) without the submittal of a Special Review Use Permit." This statement is not true. There is a reasonable venue for these Camps/Retreats to replace and/or upgrade their obsolete or damaged structures, as long as they follow the guidelines set forth in the LUR's as any other property owner must.

If this application were to be approved to allow Camps/Retreats as a permitted use in the A1 zone, it would remove all public involvement. Adjacent property owners would not have any input to **new** Camps/Retreats; they would not even know that a **new** Camp/Retreat was planned next to them. The entire third paragraph of the Project Statement is in error, since if Camps/Retreats are allowed as a permitted use in A1 zoned land, none of these requirement (CUP's/SUP's) would apply. As you already know, Conditional Use Permits and Special Use Permits, Site plan requirements, etc. are only required when a use is not permitted by right.

The applicant wishes to have "Summer Camps" removed from the definition of "Child Care Center" as listed in Chapter 8 of the LUR's. Whenever our children are left to the **care and protection** of any Camp/Summer Camp/Retreat, that entity does in fact meet the definition of "Child Care Center", and these Camps/Summer Camps/Retreats should be held to the highest possible standards, **not** relax the standards when it comes to our children.

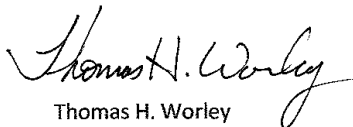
The applicant states that "Camps are a low-intensity, seasonal operation, that have substantiality less overall impact on roads and utilities, than year-round businesses and residences."

First – there are few if any year-round businesses on A1 land. If there are any, they require a CUP/SUP to ensure they do not negatively impact the roads and infrastructure.

Second – If Camps are low-intensity, seasonal operations, what is Golden Bell Camp and Conference Center? It has doubled its footprint, and now by its own admission will be able to bring in up to 1,500 people per day, on any day of the year. This will be an increase of approximately 1,000 people per day over their numbers from one year ago. They have new plans that show **new** paved parking lots for the expansion that will add over 150 parking spaces to their existing parking. How can this **not** sensibly be considered an "intense or heavily impacting use"? The application states that these Camps/Retreats bring in over 53,000 people to the county annually. This is well over double the entire population to Teller County, and does place a strain on the infrastructure, especially since these people are attracted to the County during a small window of time, and a period when the population swells with seasonal residents.

I wish you to consider the following statements, and to remember that not only do the Camps/Retreats need protection, but the people who make up the population of this County; who live here year round; shop in the local stores year round; pay sales and property taxes; and vote need protection.

1. This is not a text amendment, but is a request for a rezoning change.
2. Approval of this application would bring into existence a special group/class of property owners.
3. It would allow uncontrolled development of new Camps/Retreats, and allow uncontrolled expansion of existing Camps/Retreats.
4. Adjacent property owners would not only have no input on these activities, they would not even know about them.
5. There would be absolutely no oversight.


Thomas H. Worley

September 16, 2014
Re: LUR-00045(14)

Dear Commissioners:

This application, which involves **ALL** of Teller County, is highly irregular and inappropriate for several reasons. This application supports a lack of transparency.

TRANSPARENCY - It references only two communities, Divide and 4-Mile Planning Committees. All adjacent and surrounding property owners have a **RIGHT** and **NEED** to know what replacements and expansions these camps profess to do. The application fails to disclose the intensity of use of these projects, and camp capacities. It contains ambiguous statements, unclear dialogue, and projects which could have potential impacts to communities and infrastructure which are not identified. Even if this application was specific in intent, definitions, and thresholds, it would still be inappropriate to approve.

TRANSPARENCY - This application clearly contains a lack of impartiality, singling out a **special group** for certain uses, allowing them to circumvent land use processes already established in rules and regulations by which we **ALL** abide by. As we know camps/retreats can have a **MAJOR** impact on surrounding landowners. The Master Plan and Land Use Regulations are in place for a reason. If camps/retreats are listed as permitted uses in LUR Section 2.6.1., all oversight of the projects would be removed. This would remove surrounding property owner's input. Developments of this scope should not be "permitted" uses on A-1 land". Having only administrative review for these projects, whether it is a rebuild, expansion, soccer field, or ATV track, will give no transparency or oversight for these or any additional projects. All public scrutiny would be lost. It is ludicrous to believe that there would be no potential impacts as a result of the possible magnitude of rebuilding, expansions, or recreational activities without guidelines and oversight.

TRANSPARENCY - The camps claim to have no right to exist under current LURs, because of the processes they need to go through to rebuild or expand. These camps profess to be "poor" and will not prosper and succeed if they do not expand services. To rebuild, they need a building permit, the same as property owners would need. To expand they need to go through a process for a CUP, SUP, or PUD, just as other property owners would need to do. It is not difficult, costly, or onerous. To continue the viability of these camps as stated does not hinge on this text change. At the very least, these camps should have more rigid guidelines because of the likelihood of greater potential impacts from their activities on surrounding communities.

TRANSPARENCY - Site plans serve a purpose. A site plan would only have to be done one time, after that there would be the need for only revisions. Again, to change the requirements for camps/retreats, makes them a special group which allows them to circumvent the LUR's. To require a site plan "limited to only the area impacted by the proposed new development" shows a lack of transparency on the part of the camp/retreat. The same requirements should be required of both new and existing facilities.

TRANSPARENCY - This application tries to skirt SPOT ZONING. Yet, this is exactly what the applicants are asking. Spot Zoning is explicitly against the county regulations. A specific group cannot be called out or separated from the general public.

LUR (Chapter 12 -- Definitions) **SPOT ZONING**. Generally, the process of singling out a parcel of land for a use classification different and inconsistent with the surrounding area or master plan for the area, for the benefit of the owner of such property to the detriment of the rights of other area property owners. Pursuant to CRS § 24-67-101 *et seq.*, Planned Unit Developments (PUDs) are authorized exceptions to the general prohibition against spot zoning, but are required to conform to the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).

TRANSPARENCY - There are too many unknowns to accept this application. The application does not speak to any possible impacts to the surrounding neighbors, infrastructure, county or town services. There is a potential for major impacts. Camp capacities and "improvements" are ambiguous. There is lack of clarity on growth percentage thresholds and time limits for projects. Even if there were growth percentages and time limits in place, who is to say these camps would follow through with the plans of actions? There would still be no oversight to the projects. The county does not have the personnel to do so. Who or what entity is going to monitor them?

TRANSPARENCY -

- a. This application **IS NOT** consistent with the Master Plan. If approved, there would no directed growth, since there would be no oversight to rebuild, expansion, or recreational activities.
- b. This application **IS NOT** consistent with changed conditions. To remove the classification is not a downgrade as stated. It was simply a designation change. Camps/Retreats are not required to do anything different than any other property owner.
- c. This application **IS NOT** consistent with effects on the natural environment. Who is to say, that whatever the replacement, expansion, or addition of recreational uses would not affect on the natural environment?
- d. This application **IS NOT** consistent with a community need. The camps have already demonstrated that they continue to grow and prosper by the mere fact that they are still in existence and more are coming. Many "employ" volunteers, do not pay taxes, and look outside of Teller County for operations/contracting. There is no supporting documentation for the survey that was attached.

Teller County has several Plans in place. This application goes against **ALL** of our plans, The Master Plan, the Land Use Regulations, and even though it is only regulatory, the Divide Regional Plan. Your job, Commissioners, is to support these Plans to ensure directed growth in growth areas and maintain rural in rural. Listen to the facts, not emotions. **YOU MUST DENY THIS APPLICATION.**

Denise Worley
265 Broken Wheel Dr.
Divide, CO 80814