

CHAPTER 8
REGULATIONS FOR
SITE SELECTION AND DEVELOPMENT OF NEW COMMUNITIES

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Article 1 General and Introductory Provisions

8-101 Title and Citation.

These various sections constituting Chapter 8 of the "Guidelines and Regulations for Areas and Activities of State Interest of Chaffee County," may be cited as "the Regulations for Site Selection and Development of New Communities."

8-102 Purpose and Intent.

In addition to the purposes set forth in Chapter 1, the purpose and intent of these Regulations are:

- (1) To provide for transportation, waste disposal, schools, and other governmental services in a manner that will not overload facilities of existing communities in the region;
- (2) To provide for the development of comprehensive communities which provide for commercial and industrial activity, as well as residences, and for internal transportation and circulation patterns;
- (3) To achieve planned and orderly land use development;
- (4) To promote efficient and economic use of public resources;
- (5) To encourage the provision of transportation, commercial, recreational, and educational facilities conveniently located to housing of all types and design;
- (6) To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
- (7) To encourage the planning and building of new communities which incorporate the best features of design and planning;
- (8) To ensure minimal adverse environmental, social, and economic impacts in such sites and in such impact areas;
- (9) To encourage the review of new communities at the earliest possible point in the planning process.

8-103 Definitions.

- (1) "Impact Area" means an area surrounding the proposed new community site which is likely to be affected positively or negatively by development of the new community, the boundaries of which are determined by the Permit Authority.
- (2) "Master Plan" (or comprehensive plan), means a plan for the physical development of the state, a county, region or municipality, as defined by 24-32-203(1)(e), 24-65-104(1)(a)(b), 30-28-106(3)(a)(b)(c), 30-28-107, and 31-23-106(1)(a)(b)(c)(d), C.R.S., or by charter or ordinance of a home rule municipality.
- (3) "New Communities" means any development meeting any of the following criteria:
 - (a) Is planned to be serviced by a major new domestic water system or a major new domestic sewage treatment system, as defined in Chapter 4;
 - (b) Is planned to be serviced by a major extension of an existing domestic water treatment system or a major extension of an existing sewage treatment system, as defined in Chapter 5;
 - (c) Is planned for or requires municipal incorporation;
 - (d) Is planned for or requires the formation of a special district, such as: a water district, a sewer service district, a recreation district, or a metropolitan district;
 - (e) Is planned for or requires expansion and/or extension of any existing water and/or sewer service district or association within any 36-month period, which is equal to or greater than 10% of the population or land area served by the district or association at the beginning of said period; and
 - (f) Is planned for or requires annexation to any incorporated area within Chaffee County, but is not in compliance with comprehensive plans adopted jointly by such incorporated areas and the County or the Chaffee County Comprehensive Plan or with applicable intergovernmental planning agreements, if any.

8-104 Applicability.

These Regulations shall apply to all locations or phases of development of new communities wholly or partially within the unincorporated territory of this County, excluding new communities located wholly within a “municipal growth area” adopted by the Board of County Commissioners pursuant to an intergovernmental planning agreement between any incorporated area within Chaffee County and Chaffee County.

Article 2 **Designation of Site Selection and Development of New Communities.**

8-201 Designation of Site Selection and Development of New Communities.

The Board of County Commissioners, having considered the intensity of current and foreseeable development pressures and applicable Guidelines for Identification and Designation adopted and issued by the Colorado Land Use Commission, it is the order of this Board that site selection and development of new communities be designated a matter of state interest and regulated pursuant to the provisions of this Chapter.

8-202 Boundaries of Area Covered by Designation.

The site selection and development of any new communities within the unincorporated territory of this County shall be subject to this designation and these Regulations.

8-203 Reasons for Designation.

Site selection and development of any new community is hereby designated as a matter of state interest for the reasons stated in Sections 1-102 and 8-102 of these Regulations.

Article 3 **Permit Applications and Permits.**

8-301 Application Procedure.

The procedures concerning permit applications, notice and conduct of permit hearings, review of Permit Authority decisions, and the issuance and content of permits to engage in development of a designated new community shall comply with the provisions set forth in Chapter 2, the Permit Regulations.

8-302 Submission Requirements.

In addition to requirements set forth in Section 2-203, an application for a permit to locate or develop a new community shall be accompanied by ten copies of the following documents and information:

- (1) The plans and specifications referred to in Section 2-203(3) shall include the following additional information:
 - (a) A statement of goals and objectives;
 - (b) A description, including maps at a scale acceptable to the Permit Authority, of the characteristics of the natural environment of the site and Impact Area to include the following:
 - (i) topography;
 - (ii) climatological conditions;
 - (iii) geomorphology, geology, and soils by type and suitability; potential natural hazards;
 - (iv) plant communities;
 - (v) terrestrial and aquatic wildlife communities;
 - (vi) all water bodies including all major surficial waters, groundwater aquifers, and groundwater recharge areas;
 - (vii) air quality;
 - (viii) archaeological and historic sites; and
 - (ix) scenic qualities.
 - (c) A description, including maps at a scale acceptable to the Permit Authority, of existing and proposed features of the man-made environment of the new community site and Impact Area including the following:
 - (i) housing of all types for all income groups;
 - (ii) industrial facilities and sites;
 - (iii) commercial establishments and sites;
 - (iv) recreation facilities and sites and open spaces;

- (v) transportation systems and facilities and parking facilities;
 - (vi) agricultural uses by classification;
 - (vii) services and utilities including water supply systems, sewerage systems, storm drainage systems, solid waste disposal systems, gas and electrical utilities, communication utilities;
 - (viii) public institutions and structures including schools, government buildings, other community facilities; and
 - (ix) public lands.
- (d) Analysis of environmental impacts of the new community on the following:
- (i) water quality;
 - 1) surficial;
 - 2) groundwater aquifers; and
 - 3) groundwater aquifer recharge areas.
 - (ii) ambient air quality including indirect sources;
 - (iii) plant communities;
 - (iv) aquatic and terrestrial wildlife communities;
 - (v) geomorphology, geology, and soils;
 - (vi) climate;
 - (vii) scenic quality;
 - (viii) noise; and
 - (ix) historic and archaeological resources.
- (e) A description, including maps at a scale acceptable to the Permit Authority, of the proposed social environment of the new community and analyses of the impacts of the social environment of the new community on the existing

social environment in the Impact Area. The description and analysis shall include the following:

- (i) demography
 - 1) current population;
 - 2) proposed population;
 - 3) past trends; and
 - 4) forecasts.
- (ii) housing
 - 1) existing housing;
 - 2) types of housing proposed to meet needs of new population including low and moderate income housing;
 - 3) price ranges of housing types;
 - 4) density; and
 - 5) housing market conditions.
- (iii) community facilities
 - 1) existing facilities;
 - 2) planned community programs;
 - 3) diversity of facilities and programs to meet needs of the population; and
 - 4) cultural services.
- (iv) education
 - 1) expected enrollments;
 - 2) distances of schools from neighborhoods;
 - 3) transportation of students;
 - 4) new facilities required; and

- 5) existing facilities.
- (v) existing and proposed health services
 - 1) hospitals and clinics;
 - 2) emergency health services; and
 - 3) medical personnel.
- (vi) public safety services
 - 1) police;
 - 2) fire; and
 - 3) rescue.
- (vii) social services
- (viii) recreation
 - 1) facilities;
 - 2) present and future adequacy and need;
 - 3) present and future open space acquisitions;
 - 4) open space and accessibility to open space.
- (f) A description of governmental infrastructure in new community site and Impact Area:
 - (i) map at a scale acceptable to the Permit Authority and describe existing and proposed local government institutions, special districts or other jurisdictions, the type of services provided by each and the proposed methods of governance of each;
 - (ii) proposed methods of generating public revenue through existing and proposed governmental jurisdictions;
 - (iii) estimated revenue-generating capacity of each method described in (ii) above and identify any new sources of revenue created by the community;

- (iv) estimated operating revenue and expenditures of proposed new public and publicly funded services and facilities;
 - (v) estimated public debt expected as a result of development of new public and publicly funded services and facilities; and
 - (vi) evaluation of the capacity of existing services to meet needs.
- (g) A description of the economic profile of the planned new community and Impact Area:
- (i) type of industry, commerce and other private enterprises contributing to the economic base of the new community;
 - (ii) analysis of employment characteristics and labor market of new community and Impact Area;
 - (iii) description of potential economic effects of new community on the Impact Area.
- (h) A description of proposed public improvements:
- (i) list those to be dedicated and to what jurisdiction(s);
 - (ii) proposed terms of performance guarantees;
 - (iii) description of maintenance program(s); and
 - (iv) phasing of dedications.
- (i) A description of area-wide planning and development:
- (i) explain the relationships of the new community plan for development with the following:
 - 1) Chaffee County Comprehensive Plan, state or regional plans, and federal programs and plans of surrounding jurisdictions in the Impact Area;
 - 2) approved or proposed public projects; and

- 3) capital improvements programs of surrounding jurisdictions in the Impact Area.
- (j) Describe the impacts of the proposed land uses in the new community as described in subsection (d) on existing land use patterns;
- (k) A description of the proposed development schedule:
 - (i) define development schedule and describe the plan of the schedule;
 - (ii) proposed phasing, if any, of development;
 - (iii) relate timing of construction and operation of public facilities to expected population.
- (l) provide evidence demonstrating:
 - (i) the technical and administrative capability of the applicant to plan and develop a new community, including experience, success and/or failures on other new community projects, and expertise and experience of personnel;
 - (ii) the financial capability of the applicant including:
 - 1) all anticipated costs of developing public and publicly financed services and facilities;
 - 2) the manner by which the sources from which development costs will be met, including anticipated revenues from the development, financial resources of the developer, borrowing, and special districts if any;
 - 3) a procedure allowing for periodic updating of the financial plan or program to take into consideration changes in costs, revenues, market conditions, and other relevant changes affecting the development;
 - 4) marketing strategy for residential, commercial and industrial property.

8-303 Action on Permit Application.

- (1) The Permit Authority shall act upon the permit application within sixty (60) days after the public hearing on the application has been concluded. In determining whether to approve, approve with conditions, or disapprove a permit application, the Permit Authority shall take into consideration the following criteria:
 - (a) The health, welfare and safety of the citizens of Chaffee County and surrounding jurisdictions affected will be protected and served;
 - (b) The natural and socio-economic environments of Chaffee County and the Impact Area will be protected and enhanced;
 - (c) All reasonable alternatives to the proposed action have been adequately assessed and the proposed action represents the best alternative in satisfying all requirements of this regulation;
 - (d) A reasonable program to adequately minimize all adverse impacts has been presented;
 - (e) The nature and location of the new community complies with all applicable provisions of Chaffee County's regulations and ordinances regarding land use and building and the Comprehensive Plan of Chaffee County, and other applicable regional, metropolitan, state, and national plans;
 - (f) The new community design shall, at a minimum, provide for transportation, waste disposal, schools, and other governmental services in a manner that will not overload facilities of existing communities in the Impact Area;
 - (g) The nature and location of the new community will not create increases in the demand for services beyond the reasonable capacity of the new community and surrounding jurisdictions affected to provide such services, as determined by the Permit Authority;
 - (h) The nature and location of the new community will not unduly interfere with any existing easements for or rights-of-way for other utilities, canals, ditches, mineral claims, or roads;

- (i) Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the new community;
- (j) The nature and location of the new community will not interfere with any significant wildlife habitat or adversely affect any threatened wildlife species, unique natural resource or historic or archaeological landmark within the new community and the Impact Area;
- (k) The nature and location of the new community, including expected growth and development related to the new community, will not significantly deteriorate air quality in the Impact Area and the new community site;
- (l) The existing water quality of affected waters will not be adversely affected, unless permitted by law;
- (m) The site for the proposed uses in the new community are suitable considering location, size, topography, microclimate, and soil characteristics, and the harmonious relationship of these uses with surrounding jurisdictions;
- (n) The land use and transportation circulation plans and population density and distributions are planned in such a way as to promote harmonious human interrelationships and optimum internal accessibility;
- (o) Provisions have been made to preserve such natural features as water bodies and steep slopes and to establish and maintain an accessible open-space network for conservation, natural beauty, and recreation;
- (p) Measures to prevent environmental pollution, reduce potential natural hazards, and minimize noise problems have been taken;
- (q) The development plan utilizes current design and technology for energy conservation with respect to land utilization, materials and methods of construction and the provision of community facilities and services and encourages innovations in meeting social and economic problems of the new community and Impact Area;

- (r) The development provides housing for all income groups and age groups;
- (s) The applicant has the technical and financial capability to completely plan and develop the new community within a reasonable time;
- (t) Existing and proposed governmental jurisdictions will be able to adequately govern the new community.