

# TELLER COUNTY PLANNING COMMISSION

Regular Meeting: February 13, 2007

## Agenda Item V

Consideration of a request from Spring Meadow Ranch Partnership, LLLP, (William L. Page, General Partner) and Carol Plummer, to amend Appendix MA-55: Maps of the Teller County Land Use Regulations to incorporate a 40-acre parcel legally described as the NE ¼ SE ¼, Section 31, Township 12 South, Range 69 West, of the 6<sup>th</sup> P.M., County of Teller, State of Colorado, currently designated “Rural Lands” (Limited Growth Area), into the Divide Town Center (Growth Area/Urban Service Area).

### STAFF REPORT

[FILE NO. LUR-00030 (06)]

APPLICANT: Spring Meadow Ranch Partnership, LLLP, (William L. Page, General Partner) and Carol Plummer  
Property Owner: Carol Plummer

REQUEST: Approval of an amendment of Appendix MA-55 of the Teller County Land Use Regulations to incorporate a 40-acre parcel within the Divide Town Center (Growth Area/Urban Service Area)

STAFF: Paul Clarkson, Director of Community Development Services

LEGAL DESCRIPTION: NE ¼ SE ¼, Section 31, Township 12 South, Range 69 West, of the 6<sup>th</sup> P.M., County of Teller, State of Colorado (See “Appendix A: Property Location”)

ZONE DISTRICT: A-1

Publication Date: January 31, 2007  
Referral and Notice: January 12, 2007  
Staff Report Date: February 6, 2007

STAFF RECOMMENDATION: DENIAL

#### 1. SUMMARY OF REQUEST:

With this application, Applicants seek to amend the Teller County Land Use Regulations MA-55 Divide maps to add Ms. Plummer’s 40 acre A-1 zoned tract to the Divide Town Center. A copy of the current MA-55 maps are attached as “Appendix B: Current TCLUR AM-55 Divide Maps.” The Divide Town Center is, under the Teller County Growth Management Plan, the designated Growth or Urban Service Area over-all category for Divide. Ms. Plummer’s lands are currently designated “Rural Lands” under the advisory Divide Regional Plan, or “Fringe Protection Areas / Resource & Environmentally Sensitive Areas,” both under the Limited Growth, or Conservation Area, over-all category of the regulatory Teller County Growth Management Plan. Applicants have not requested a change in master plan designation for the land, nor a rezoning. Should the application be approved; Staff suggests that “Town Residential – New [Potential Development]” could be appropriate.

If the application is approved, it will be the first in a possible sequence of applications, including, among other potential applications contained in the December 12, 2006 cover letter from Spring Meadow Ranch, rezoning to residential zone district (R-1), application for subdivision into 20 single

family residential lots, and a potential amendment of the Meadow Park PUD to incorporate the property, or a new PUD. Consideration is given to the inter-relatedness of these and potentially other applications in *Section 4, Discussion of Major Concerns and Issues*.

**Background:** Ms. Plummer's 40 acres were originally part of the family ranch all of which, except this 40 acres, was purchased by Meadow Park entities in the mid-1980s. Today it constitutes much of the Meadow Park P.U.D.. A history of the ranch and its ownership is provided in the application, as are Applicants' rationale for amending MA-55 to accomplish their purposes, including the provision of central water and central sewer.

Although Mr. Page and others from Meadow Park were very active participants in the widely publicized 1996 - 1998 process that amended the 1991 Divide Planning Region Growth Management Plan and established the properties to be within and outside of the Divide Town Center, it appears that Ms. Plummer may not have been. On October 22, 1998, the Board of County Commissioners adopted the text of, and appendix for, MA-55 Maps, including those for Divide, with the intent that "consistency with the maps would [be] a criterion for approval of certain types of development" (memorandum from Mike Davenport to the Teller County Planning Commission dated July 11, 1998).

The Divide Regional Plan was and remains an advisory document. The specific intent of the recent (September 2006) Divide Plan amendment was to not consider any changes to any land designations (other than those previously accomplished by means of subdivision) or the Town Center Boundary, but to add new terms and definitions and modify certain language; add new appendices setting forth "criteria" for amending the Divide Town Growth and Conservation Map and "criteria" for amending the Divide Region Growth and Conservation map for recreational and other Conditional Use Permit uses on Rural Lands; modify language to comport with its advisory nature; and incorporate updated maps.

The MA-55 regulatory maps for Divide have been previously amended as follows:

- September 9, 1999. Change the land use designation for Tract B, Highland Lakes Subdivision from "Rural Lands" to "Rural Residential." [Resolution 9-9-99(57)]
- May 5, 2003. Amend the southwest Divide Town Center boundary south of the intersection of Highways 24 and 67 to include approximately 44 acres within it, designating the approximate easterly half Town Center Commercial and the approximate westerly half Town Residential -New. [Resolution 5-8-03(18) rescinded and replaced by Resolution 6-12-03(23)]
- August 28, 2003. In conjunction with a Subdivision Exemption plat and rezoning, remove a portion of the Depot ("Whistle Stop") property (designated Town Center Commercial) from the Divide Town Center and add approximately the same amount of Town Center Commercial designated land to the Divide Town Center to the south. The Resolution 6-12-03(23) error above was carried forward in this amendment. [Resolution 08-28-03(31)]
- September 29, 2003. In conjunction with several other applications, reconfigure and redesignate portions of the Town Center south of Hwy. 24 and east of Hwy. 67 (Highlands of Divide area) -- Town Residential (Existing), Town Residential (New), and Town Center Commercial -- in order to accommodate the Teller County Consolidated Service Center and new multi-family residential uses. The Resolution 6-12-03(23) error above were carried forward in this amendment. Resolution 09-24-03(41)]
- September 7, 2006. In conjunction with the amendment of the Divide Regional Plan, (1) correct prior amendment errors; (2) update maps for new subdivisions; (3) correct coding technical errors; (4) correlate map legend text with the Teller County Growth Management Plan and add a table of amendments; (5) make other changes as appropriate. [Resolution 09-07-06(40)]

2. **SUBMITTAL REQUIREMENTS (Tables 5, 6, and 8):** There are no Table 6 Drawing Requirements for a Land Use Regulation change; Table 8 Site Design does not apply. Although not required for a Land Use Regulation Amendment, because maps in the Regulations are affected Staff suggested that Applicant provide at least a sketch plan for the proposed new development to occur on Ms. Plummer’s land; one was not, however, included in the application.

<b>Table 5: Submittal Requirements</b> ● - required; ■ - may be required	<b>Regulation change</b>	<b>STAFF COMMENT</b>
<b>Application form</b> (completed)	●	OK
<b>Copies</b> of the application: * - calculate based on reviewer requirements in Table 4	1	OK
- Number of copies - * calculate from number of reviewers in Table 4	0	OK
<b>Fees</b>	●	OK
<b>Letter of intent</b>	●	OK
<b>Takings study</b>	●	Not applicable

3. **REVIEW AGENCY RESPONSES (Table 4):** The only required review agencies are the Teller County Planning Commission and the Board of County Commissioners. Specific comments of the County Attorney have been incorporated into this Staff Report. The application was also referred to the following, whose comments are summarized below. The full comments are attached:

- Teller County Wastewater Utility: No response received.
- Department of Transportation: Provided comments related to the Final Plat for Pine Ridge, F.4 have been adequately addressed, there are no access issues. (*Staff note*: Pine Ridge F.4 comments include the following: (Were to be a street or road) the west 40-feet of the easement across L.31 should have a name and proper dimensions (60-feet) when platted; anything else would require a variance. The Pine Ridge F.4 plat has not yet been approved by the Board of County Commissioners. The point “where the first street access is planned” according to the December 12, 2006 letter will, according to the plat, not be a street or road but a series of easements across two of the lots. To plat a street or road would require an amendment of the Pine Ridge F.4 plat as currently represented.)
- Divide Planning Committee: Recommends approval. (*Staff note*: This recommendation, however, does not make clear the extent to which the Committee found compliance with the Criteria contained in “Addendum ‘A’ – Criteria for Amending Divide Town Growth and Conservation Map” of the Plan. See Staff analysis in Section 4 Discussion of Major Concerns and Issues below.)

4. **DISCUSSION OF MAJOR CONCERNS AND ISSUES:**

➤ **COMPLIANCE WITH THE TELLER COUNTY LAND USE REGULATIONS: POTENTIAL FUTURE LAND USE APPLICATIONS.**

Since the scope of this application pertains only to an amendment of MA-55 of the Teller County Land Use Regulations, Applicants’ submittal representations regarding future development could not be further reviewed for compliance with County Land Use Regulations, including the master plans. However, the representations in the application can not be dismissed because they carry numerous implications for the future, particularly whether or not the requisite applications could be supported by the Land Use Regulations, and whether the County would, through approval of

this application, be giving arguable or implied condoning of future applications regardless of such compliance. Among the possible future applications are the following:

1. **Application for Rezoning.** The property is currently zoned A-1 (Agricultural) and shall remain as such until a formal application for a change of zone district is made to Teller County. One of the current criteria for approval of a zone change is that there are “Changed conditions. Since the property was last zoned, there are changed conditions in the surrounding area that would require or permit a change such as that requested.” (from Table 5 Criteria). Given that very few of the minimum of 685 Meadow Park PUD dwelling units with Preliminary Plan approval have actually been developed, could a potential application for R-1 zoning for at least 20 dwelling units (17 for Meadow Park, 3 for Ms. Plummer) meet this criterion? And, it appears that Applicants are, currently, unclear as to whether the 17 Meadow Park units are *in addition to* those for which Preliminary Plan approval now exists.
2. **Application for Subdivision.** At a minimum, Applicant would need applications for Sketch Plan, Preliminary Plan, and one or more Final Plats. It is not known how these applications would tie into the Meadow Park PUD, particularly since it appears that the intent of Applicants is to sell 35 acres to Meadow Park, with retention of 5 acres by Ms. Plummer. See also below regarding “New Community” (1041). No information was provided concerning the timing of either this proposed development or its infrastructure. Much of Meadow Park’s infrastructure is undeveloped, particularly that abutting Ms. Plummer’s land to the east where access for Meadow Park’s proposed 17 units could logically occur.

It should be noted that unless and until the 40 acres is rezoned and a final plat approved for its subdivision, under State law and County subdivision regulations any sale of Ms. Plummer to Meadow Park Land Company of the 35 acres apparently now under contract would be an illegal subdivision, regardless of whether within the Town Center or not.

3. **Application for one or more separate PUDs or a Meadow Park PUD Amendment.** Staff discussions with Applicants since 2003, and the representations in this application, leave it unclear as to what, precisely, Applicants intend, not only for this property but for the Meadow Park PUD in the future. If, as Applicants suggest, 17 of the units may be *transferred* from other areas of the Meadow Park PUD for which Preliminary Plan approvals exist, is moving them from the core of the development to its periphery congruent with all County master plans which encourage concentration of development rather than sprawl?
4. **Application, or not, for a “New Community” (1041).** The Land Use Regulations require that a subdivision application for five or more lots first receive approval of a “New Communities” (1041) permit. So-called “1041” regulations are a specific grant of power to Counties by the State of Colorado to address what the State considers to be areas or activities of State interest. Teller County adopted “New Community” regulations in 1990, and these regulations require substantial information regarding the impact of such new development on the County. Since both land within the Divide Town Center and the Meadow Park PUD are exempt from 1041 requirements by virtue of the Land Use Regulations and respective Meadow Park Development Agreement, it is arguable, were this MA-55 amendment approved, that Applicants might avoid having to apply for and received approval of a 1041 permit regardless of the number of lots finally submitted for approval.
5. **Application for Amendment of the (Meadow Park) Divide MPC Metro District I and Divide MPC Metro District II Service Plans.** Before these additional 40 acres could be brought within these Metro District boundaries, their approved Service Plans would need

to be amended according to the procedures established by Colorado Revised Statutes and the Service Plans.

All of the foregoing concerns have been discussed with Applicants off-and-on since 2003. A letter dated June 14, 2005 recommended that a comprehensive package of applications be submitted at one time in order that their inter-relatedness could be adequately assessed and addressed.

- **CORRECTION OF DIVIDE REGIONAL PLAN CITATIONS IN THE APPLICATION**. As is set forth in the Table 7 Criteria below, there are several 1998, rather than 2006, Divide Regional Plan citations made as representations in the Application. Following are these 1998 citations and the 2006 text (those where the text is substantially the same but slightly different are not repeated here):

<b>Application (from the 1998 Plan)</b>	<b>2006 Plan</b>
C1.03 Town Center: Includes business and residential areas, has a specific Outer Boundary, and grows within that boundary according to a phasing plan.	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.
C2.04 Promote compact, cohesive pedestrian community over strip vehicular community.	C2.04 Promote compact, cohesive pedestrian community over disjointed strip vehicular community.
C2.06 Town Center shall develop in planned phases, rather than leapfrog pattern.	C2.06 Town Center should not develop in a leapfrog pattern.
C2.07 Before the Town Center expands beyond the outer boundary shown on Map 2, (1) any infrastructure needed in the expansion area must have been approved already, and (2) development must have begun in the area of the Town Center's last phase.	C2.07 was deleted in its entirety from the 2006 Plan
D4 Encourage high quality buildings.	D4 Monitor progress of development with the goals and policies of the Plan [ <i>Staff note</i> : "Encourage high quality buildings" appears in the 2006 Plan as D2.]
D5 Encourage development that is compact, environmentally positive, and aesthetically pleasing.	D5 became D3 the 2006 Plan.

- **CORRESPONDENCE OF THIS APPLICATION WITH THE 2006 DIVIDE REGIONAL PLAN**. While the Teller County Growth Management Plan is regulatory, the Divide Regional Plan is advisory. The Plan's maps, which appear as MA-55 in the Land Use Regulations, are regulatory. Because these maps are regulatory, land use proposals that do not conform to the land use designations depicted on them must – like this application -- apply to amend the Regulations. Because the Divide Regional Plan is *advisory*, not regulatory, does not mean, however, that its advice should be ignored. The core vision for the Divide Region, unanimously endorsed with the 2006 amendment, "... 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 ... Goals and Policies should address the preservation of a small mountain community.” In the Divide Plan, the Town Center is doubly defined (pages 2 and 3):

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.

**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).

It is difficult to see that although infrastructure *may* be available to it in the future, the addition of these 40 acres promotes a “tight-knit, pedestrian friendly” community: It is neither close enough to the Divide core, nor dense enough to encourage pedestrian activity.

In the Divide Plan and on the MA-55 maps, Ms. Plummer’s 40 acres are designated “Rural Lands,” the third of the Plan’s three planning areas (the second being “Rural Residential,” not under consideration in this amendment). “Rural Lands” are defined in the Divide Plan (page 1) as:

**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.

C5-1 regarding Rural Lands repeats the last sentence above; C1.01 of the General policies states for Rural Lands that they “Maintain existing uses, density, and open character.”

A key element in the 2006 Divide Plan amendment was the creation of its addenda, which provide guidelines for the evaluation of land use applications. To cite the Plan: “Addendum ‘A’ sets forth criteria for amending the Divide Town Growth and Conservation Map; the Plan considers amending the Town Center boundary similar in intent to a municipal annexation.” It was suggested that Applicants might wish to address each criterion in their application; however this suggestion appears not to have been followed. It is unfortunate that the comments of the Divide Planning Committee likewise did not include the Committee’s analysis of these criteria. In light of these omissions, Staff offers its own assessment:

Addendum “A” Criterion	Staff Assessment
<p><b>I. NEED</b>                      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?</p>	<p>It is difficult to see a demonstrable need to add more R-1 residential development to the Divide Town Center. Most of the approved Meadow Park Preliminary Plan has not yet proceeded to Final Plat; a second substantial residential PUD south of Highway 24 with Preliminary Plan approval likewise remains undeveloped. Given these existing Preliminary Plan approvals, the question of process length for this 40 acres is moot. D1 of the Divide Regional Plan states: “Outer boundary of</p>

Addendum “A” Criterion	Staff Assessment
	<p>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.” [See Appendix C: Divide Town Center Build-Out Map – “Improved” can mean nothing more than a barn according to the GIS Assessor’s data base] According to Teller County Information Technology, there are 279 tax parcels in the Divide Town Center, of which 125 (44.8%) are improved. A quick count of only the lots in the platted, approved, subdivisions of the Meadow Park development indicates that only 46% are developed. Together, these figures indicate that there is still quite a bit of the Divide Town Center to be built-out before the Town Center boundaries should be expanded.</p>
<p><b>II. MARKET NEED</b> Is there a market need for the proposed project that is different than the needs being served by currently approved plans or preliminary plans?</p>	<p>It does not appear that development of the Plummer land as represented in the application would serve materially different needs than those being served by the currently approved Preliminary Plans and PUD documents. It does not promote a diversity of housing types but, rather, if developed as represented in the application appear to cater to the economic upper classes in a gated community.</p>
<p><b>III. COST / BENEFIT ANALYSIS</b> 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?</p>	<p>No compensatory trade has been proposed by Applicants; density would be increased on the periphery. This application does not appear to specifically benefit or serve the Divide community or Region. The <u>May 5, 2003</u> amendment amending the southwest Divide Town Center boundary south of the intersection of Hwys. 24 and 67 to include 44 acres (approximately half as Town Center Commercial and half as Town Residential –New), was also accompanied by a voluntary placement of 40 acres elsewhere within the Town Center under conservation easement, effectively resulting in no net increase of developable land. The <u>August 28, 2003</u> amendment, in conjunction with a Subdivision Exemption plat and rezoning, removed a portion of the Depot (“Whistle</p>

Addendum “A” Criterion	Staff Assessment
	<p>Stop”) property (designated Town Center Commercial) <u>from</u> the Divide Town Center and <u>added</u> approximately the same amount of Town Center Commercial designated land to the Divide Town Center to the south. There was no net change in Town Center land area, and the Subdivision Exemption plat set aside the Depot for historic preservation. Both applications moved potential new development <u>closer</u> to the intersection of Hwys. 24 and 67 rather than further away.</p> <p>Detrimental impacts that should be considered are: (1) the expansion of development into areas not previously designated for this intensity of development and which could remove density from the core to the periphery of the Town Center; (2) whether or not addition of this land sets a precedence for future expansion of the Town Center boundaries, and asks the question, “At what point is the vision of the Plan for a compact Town Center lost?”; and (3) that the dollar cost impacts can not be evaluated since no concrete plans for development of the property have been submitted.</p>
<p><b>IV. SCALE</b> Are the magnitude, intensity and size of a proposal appropriate for our community?</p>	<p>Absent a site plan, the alleged magnitude, intensity, and size of the development as represented in the application (20 single family lots) appears not inappropriate were the property <i>already</i> within the Divide Town Center. Given other considerations, however, to expand the Town Center to include a project of this proposed magnitude, intensity and size is not appropriate.</p>
<p><b>V. LOGICAL EXPANSION</b> Does the proposal represent a contiguous, logical nature to the expansion of the Town Center? Are adjacent uses compatible?</p>	<p>See prior comments regarding need to expand the Town Center boundary at this time. Presently adjacent land uses are large-scale agricultural (north), 20-acre rural residential (west), and the Meadow Park PUD R-1 to the west and south. As represented in the application, the proposed development of this 40 acres would bring small-lot development closer to the first two.</p>
<p><b>VI. IMPACTS</b></p>	<p>Generally, the Teller County Land Use</p>

Addendum “A” Criterion	Staff Assessment
<p>Can impacts <i>per</i> County requirements and special concerns be mitigated appropriately? Impacts include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>o Emergency access, escape plan, including fire-related</li> <li>o Roads, traffic</li> <li>o Water supply and quality (drainage)</li> <li>o Sewer / septic</li> <li>o Fire protection and associated costs</li> <li>o Sheriff protection</li> <li>o Hazardous issues <ul style="list-style-type: none"> <li>▪ spills</li> <li>▪ chemical explosions</li> </ul> </li> <li>o Quality of life issues <ul style="list-style-type: none"> <li>▪ open space preservation</li> <li>▪ environmental</li> <li>▪ wildlife</li> <li>▪ views</li> <li>▪ road corridor vistas</li> <li>▪ lights</li> <li>▪ noise</li> <li>▪ odors</li> </ul> </li> <li>o Industrial agricultural, rural agriculture</li> <li>o Cumulative community impacts</li> <li>o Appropriate density</li> </ul> <p>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.</p>	<p>Regulations would address most of the VI Impacts concerns for any future application submitted; however, such things as “Cumulative community impacts” probably could not be addressed or mitigated.</p>
<p><b>VII. FUTURE</b>  Might this request be appropriate if modified or implemented at some future date?</p>	<p>Given the lack of build-out at the present time, it is possible that this application could be appropriate at some time in the future when greater benefit to the community could be shown. Meanwhile, Ms. Plummer’s land does have its allowed development rights (currently up to three dwelling units until May 22, 2008, two thereafter, together with all other A-1 uses by right or by approved special permit) under its current zoning.</p>
<p><b>VIII. MAP AMENDMENT / ANNEXATION</b>  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?</p>	<p>Such an agreement is not required and would need to be completely voluntary for this application. Future applications – rezoning, subdivision, PUD – could require such an Agreement.</p>

- **CORRESPONDENCE OF THIS APPLICATION WITH THE TELLER COUNTY GROWTH MANAGEMENT PLAN.** (In the analysis below, parenthetical citations from the Teller County Growth Management Plan appear as follows: for example, “IV.16-17” means “Section IV, Pages 16-17.”) While the Divide Plan is advisory, the Growth Management Plan (GMP) is a regulatory document, legislatively adopted by the Board of County Commissioners. The intent of the GMP is to provide for the planned and orderly development of the County, while balancing the basic human needs of a changing population and maintaining a healthy environment for future generations. It is a development and conservation decision-making tool to reinforce the goals and values of the residents of the County, and support County and Community decisions regarding coordinated, sequenced, and timely growth. The impact of good planning takes years to become apparent, and an orderly growth pattern takes time to develop.

While analysis of the Divide Regional Plan strongly suggests that this application is premature and should be denied, consideration of the application under the Teller County Growth Management Plan is somewhat less clear, although Staff is of the opinion that a recommendation of denial of this application remains justified under it.

The GMP calls for the creation of sub-area plans, the Divide Plan being one of them, with Growth Areas (Urban Service Areas – the Divide Town Center being one), and Limited Growth (“Conservation”) Areas. Under MA-55, Ms. Plummer’s 40-acres currently falls within the identified Divide Limited Growth area.

**GROWTH AREAS** (Urban Service Areas) are further divided into three “functional planning areas,” each of which has specific characteristics:

1. **Community centers and surrounding mixed land use activity areas.** These must meet all of the following criteria:
  - Be located within an area known historically as the "Downtown" and within its general vicinity;
  - Be located within the Urban Service Area;
  - Be served by a municipal or community street, sewer and water systems; and
  - Be characterized by a mixed land use pattern of existing and usually older commercial uses, varying residential uses, public uses, and perhaps some light manufacturing and warehousing uses.

These areas are small; focus is on redevelopment; “expected to accommodate only a small portion of the projected new residential development and a major portion of the projected commercial development.” (IV.16-17)

2. **Older established neighborhoods, existing new developing and approved soon-to-be developed activity areas.** These must meet all of the following criteria:
  - Be located within an area of older established neighborhoods, existing newly developing areas, approved soon-to-be developed activity areas, or within the general vicinity of these areas;
  - Be located within the Urban Service Area;
  - Be served by a municipal or community street, sewer and water system; and
  - Be characterized by a land use pattern of primarily single-family homes, parks, neighborhood commercial uses, and designated areas for light industrial uses.

According to the GMP, the primary objective of this area “is to sustain growth while preserving the community character and quality of life” through infill, redevelopment, new “fringe” development that preserves sense of community and protects natural character. “Development, which would otherwise spread into unplanned, unincorporated and

environmentally sensitive and significant areas, should be concentrated here. ... These areas are less defined with both unoccupied and occupied parcels ... [and] are generally located away from community centers but in the vicinity of major roads, streets, and highways. The areas are predominately residential, but not exclusively. ... Older established neighborhoods are primarily single-family residential with the majority of homes built prior to 1960. ... Development that does occur should be encouraged to be compatible with the character of the existing neighborhoods. ... Existing, newly developing areas are primarily single-family residential but some two family and multiple family dwellings are present. The majority of these units were built after 1960. ... [and] also includes neighborhood commercial establishments. These areas are projected to accommodate a major portion of the new residential development expected for the County.” (VI.17-18)

3. **Potential Development Activity Areas.** These must meet all of the following criteria:
- Be located within the Urban Service Area;
  - Be served or be able to be served by municipal or community street, sewer, and water systems; and
  - Be characterized by a land use pattern primarily of undeveloped land that is currently vacant and still in a natural state, and be void of County or Community approvals for specific development.

According to the GMP, “The primary objective of these [Potential Development Activity] areas will be to absorb development in a timed and sequenced manner based upon optimal use of the existing or planned municipal or community street, sewer, water systems, thereby preserving the sense of community and protecting the recognized natural character of the area. Development will be predominately low density residential with designated areas for planned commercial, light industrial, and other appropriate uses. Development, which would otherwise spread into unplanned or unincorporated and environmentally sensitive and significant areas, should be encouraged to locate here. ... These areas are well defined as unoccupied parcels or scarcely occupied parcels in proximity to older established neighborhoods, existing new developments or a soon-to-be developed activity region [meaning, County-approved plans, with or without existing street, sewer, and water systems, are in place]. The areas are projected to accommodate a major portion of the new development expected in the County. Development that does occur should be compatible with the planned character of the area, as described in protective covenants and the general characteristics of the surrounding uses. (VI.19)

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Analysis. Ms. Plummer’s 40 acres does not appear to meet any of the above at the current time: it is not already in a community center, nor an established neighborhood, nor within an Urban Service Area. Amending MA-55 to add it to the Divide Town Center still does not address the primary objective of Potential Development Activity Areas: the absorption of development in a timed and sequenced manner, particularly given the *lack* of development of existing approvals.

**LIMITED GROWTH AREAS** (wherein Ms. Plummer’s land is now located) are also further divided into three “functional planning areas,” each of which also has the specific characteristics given in 4, 5, and 6 below. Under the GMP (emphasis added), “The County, and its Communities, will discourage development in the three limited growth areas of the County ... These areas lack the needed facilities and services to support development in an efficient and economic manner; contain valuable natural resources; environmentally sensitive/significant lands deserving preservation or protection; and/or may be deemed important for protection to maintain the rural life-style of a specific region.” (VI.20)

4. **Fringe Protection Areas**. Must meet all of the following criteria:

- Not be located within the Urban Service Area;
- Not be served or not be able to be served by municipal or community street, sewer, and water systems;
- Be characterized by a land use pattern of primarily undeveloped land that is currently vacant and still in a natural state, and
- Be void of County or Community approvals for specific development.

Under the GMP (emphasis added), “The primary objective of this area is the protection of areas identified as not suitable for new development ... because existing or planned municipal or community street, sewer, and water systems are not, or will not, be available during the time frame of this plan. It is likely that some areas within these regions may be reclassified as Potential Development Activity Areas when facilities become available. However, at this time only limited or no development can be accepted in these areas based upon the lack of street, sewer, and water systems. This serves to preserve the sense of community and protects the recognized natural character of the planning region. These areas are well defined as unoccupied parcels or parcels of limited occupation. The areas are projected to accommodate only a very minor portion of the new development expected in the County. Development is not encouraged until these areas can be reclassified into functional planning areas capable of accommodating growth.” (VI.20-21)

5. **Resource and Environmentally Sensitive/ Significant Protection Areas**. Must meet all of the following criteria:

- May or may not be located within an Urban Service Area;
- May or may not be served by municipal or community street, sewer, and water systems;
- Be characterized by a land use pattern of primarily undeveloped land that is currently vacant and still in a natural state;
- Be void of County or Community approvals for specific development; and
- Be identified as containing valuable natural resources and/or be deemed environmentally sensitive or significant.

According to the GMP, “The primary objective of this area is the protection of areas within the County, and its Communities, identified as unsuitable for new development because of identified or identifiable valuable natural resources, and/or lands deemed environmentally sensitive or significant. Development will be discouraged in these areas based upon recognition of the importance of maintaining and managing the natural resources in a prudent and efficient manner for generations to come. ... These areas are not projected to accommodate any of the new development expected in the County. Development will be discouraged in these areas and appropriate development rights transfers researched and evaluated.” (VI.21-22) Valuable natural resources include: significant mineral deposits, fuel deposits, forests, soils, and water; environmentally sensitive lands include flood plains, steep slopes, aquifer recharge areas, surface waters, wildfire hazard areas, snow avalanche areas, geological hazard areas, and man-made hazards; environmentally significant lands may include forests, wetlands, meadows, wilderness and open space, geologic formations, scenic vistas, surface waters, wildlife habitats, areas of historical, cultural and archaeological significance and viable range lands. (VI.21-22)

6. **“Rural Life-Style” Protection Areas**: Must meet all of the following criteria:

- Not be located within the Urban Service Area;
- Not be served, or not be able to be served, or be served only on a limited basis by municipal or community street, sewer, and water systems;
- Be characterized by a land use pattern of both undeveloped land that is still in a natural

state, and a minimal amount of developed land of primarily low density single family residential character; and

- Be recognized as an area where the residents and/or the County have deemed the protection of its specific "rural life-style" an important value and objective.

According to the GMP (emphasis added), "The primary objective of this area is to protect areas within the County identified as not suitable for new development because existing or planned municipal or community street, sewer, and water systems are not or will not be available during the time frame of this plan. Further, the residents of the area, region, and/or the County have deemed the protection of the "rural life-style" of these areas an important value and objective. Development will be discouraged in these areas based upon limited or non-availability of adequate street, sewer, water systems, as well as the desire to preserve the sense of community and protect the recognized natural character of the planning region or area. These areas are well defined as unoccupied parcels, parcels of limited occupation, or platted, under-occupied subdivisions. The areas are projected to accommodate a minor portion of the new development expected for the County; in-fill should be encouraged in appropriate areas and developments." (VI.22-23)

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*Analysis.* MA-55 currently designates Ms. Plummer's land as "Fringe Protection Areas / Resource & Environmentally Sensitive Area" under the GMP, in accordance with the GMP designation assigned to the Divide Regional Plan's own land use classifications by the participants in the 2006 amendment of that Plan. Considering the characteristics of the two designations above, it appears that "Fringe Protection Area" is the more appropriate since it allows the potential for reclassification should future conditions allow: "Development is not encouraged until these areas can be reclassified into functional planning areas capable of accommodating growth." The primary characteristic for a change in designation appears to be adequate infrastructure, something that is indeed proposed to be supplied to Ms. Plummer's 40 acres *at some future time*. Regardless, the issue of existing extensive undeveloped approvals again appears to conflict with the desire of the GMP for *timely and sequenced* development: Since only a fraction of Meadow Park's existing approvals for hundreds of new units have actually been implemented, the addition of more can not, in Staff's opinion, be considered timely or sequenced, nor can a reclassification of the land to Potential Development Area be justified. Until a greater need for more development than has current Preliminary Plan approval is shown, it appears to be cart-before-the-horse, particularly given the specific Objectives for the "Fringe Protection Area" given below.

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The use of functional planning areas is a significant element in Teller County's timed and sequential growth management plan. Under the GMP (emphasis added) "Each of the [functional] planning areas have specific objectives and criteria which distinguish it from other areas. Specific parcels of land may initially be located within one functional planning area and later be identified within another when the objectives and criteria of that area are met." (VI.15) "Area 3 is the area in which major future growth will occur, it is the prime area of emphasis in the growth management plan. A basic objective of directing growth to areas 1, 2 and 3 is to reverse the trend of growth in the rural areas where public facilities and services are inadequate and to return a substantial portion of the natural growth of the County back to the Communities. Thus, although the County, and its Communities, may be limiting growth in some areas, Areas 4, 5, and 6, it is correspondingly encouraging growth in other Areas 1, 2, and 3. Therefore, the County, and its Communities, are merely making a planning and policy decision as to where growth and development should logically occur, rather than a legally exclusionary decision to limit the

amount and type of growth. (VI.25). Following are the Objectives for each of the six functional planning areas (VI.24-27):

**Objectives - Areas (1) and (2):** (1) Community centers and surrounding mixed land use activity areas; (2) older established neighborhoods, existing and approved activity areas. Both (VI.24):

- To encourage reinvestment, redevelopment where necessary;
- To encourage infill of unoccupied parcels; and
- To encourage the development of new, previously approved residential and other land use opportunities.

**Objectives - Area (3):** (3) Potential development activity areas. “Denotes land areas where growth should occur and where the County, and its communities, must:

- Make commitments to support growth and investment;
- To open up the land for development in a staged contiguous manner;
- To economize on and better plan for facilities extensions; and
- To provide for balanced housing needs and land use.”

**Objectives – Area (4) [*Ms. Plummer’s land*]:** (4) Fringe protection areas. Purpose for this designation is to “... denote those parts of the County located within a regional planning area that are primarily undeveloped and/or vacant, and which lie beyond the limits of the urban service area where growth may logically and feasibly occur in the future, but not at this time. Because of the undeveloped state of this area, its distance from community centers, and the lack of the appropriate level of facilities and services, these areas should remain in an undeveloped state until the appropriate time.” (VI.24) Objectives are:

- To prevent their premature development,
- To limit sprawl and leapfrog development which would fiscally strain the County and its Communities to provide adequate facilities and services, and
- To protect the recognized natural character of the area.

**Objectives – Area (5):** (5) Resource and environmentally sensitive/ significant protection areas. To identify land, for which the cost of correctly developing may be excessive or prohibitive;

- To protect the public health, safety, and welfare;
- To encourage parks, recreational, and other appropriate uses
- To protect natural resources and environmentally sensitive and significant lands; and
- To help direct the location and timing of growth and development in such areas.

**Objectives – Area (6):** (6) Rural life-style protection areas.

- The protection of areas within the County identified as not suitable for new development because existing or planned municipal or community street, sewer, and water systems are not or will not be available during the time frame of this plan;
- To limit sprawl and leapfrog development which would prove to be a fiscal strain on the County and its Communities in providing adequate facilities and services;
- To prevent additional premature development; and
- To protect the recognized natural character of the area.
- Further, the residents of the area and/or the County have deemed the protection of the "rural life-style" of these areas an important value and objective.

The Teller County Growth Management Plan also contains, in Section VIII Teller County Action Plan, an extensive list (82 pages) of Policy Statements/Implementation Strategies. It was suggested to Applicants that they comprehensively address the Teller County Growth Management Plan and why their application meets its goals and objectives; this was not done. While space constrains a full Staff analysis of this application against all of them, the following are noteworthy insofar as Staff can not find that the application complies with them, among others:

- **Objective 1A.** To identify regulatory and other techniques for the use of land so as to provide for the orderly use of land, and the protection of the environment, in a manner consistent with constitutional rights.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1A-7** Encourage the protection of limited growth areas by the use of the appropriate zoning district classifications within them.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1A-8** Encourage, within limited growth areas, investigation of the feasibility of applying down zoning, subdivision vacation and other methods to decrease development opportunities in these areas.
- **Objective 1B.** To provide for adequate land for residential, commercial, mineral extraction, agricultural, recreational, industrial and other uses.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1B-6** Encourage residential development be directed toward existing Communities and areas that have adequate land zoned for such use and which can be served conveniently and economically by available essential public facilities and services.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1B-7** Encourage efficient residential development patterns.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1B-8** Encourage requests for residential development only be approved as an orderly expansion of existing residential development already served by public facilities and services.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1B-9** Encourage maximum development of existing platted subdivisions zoned for residential use, except in those areas experiencing inadequate water supply and wastewater disposal problems.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 1B-10** Encourage, within limited growth areas, only limited and very low density residential development be available areas.
- **Objective 3.A.** To develop a land utilization and classification system based upon the availability of appropriate services and facilities, community values, and physical opportunities and constraints.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-1** Encourage growth based on the ability of the land to accommodate new growth and in accordance with the identity and goals of the County, and its Communities.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-6** Encourage the maximum development potential of existing platted subdivisions zoned for residential use, except in those areas experiencing inadequate water supply and wastewater disposal problems.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-9** Encourage the promotion of compact, contiguous and planned development patterns by programming development approvals based upon the availability of utilities, services, and facilities found in specific functional planning areas.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-10** Encourage requests for residential development to be approved only in an orderly expansion of existing residential development already served by public facilities and services.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-13** Encourage the development of currently undeveloped portions of the County, and its Communities, where utility, services and facilities are already available, taking into account local environmental and neighborhood constraints.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-14** Encourage that provision of both rural and urban facilities and service be coordinated with the growth management objective of this plan.

- **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-31** Encourage, within limited growth areas, that only limited purpose development be permitted where public facilities and services may be available in a limited but efficient and timely manner.
- **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 3A-32** Encourage, within limited growth areas, no extension of capital improvements in such a way as to subject the area to increased development pressure.
- **Objective 4A.** To evaluate activities and developments which may result in significant changes in population density on the basis of the overall impact upon the community, surrounding area, and county.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 4A-11** Encourage, within limited growth areas, the maintenance of the rural densities and minimization of new development opportunities.
- **Objective 8A.** To promote cooperation in the development of the Growth Management Plan between Teller County and other local, regional, state, and federal governments.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 8A-1**  
Encourage the formulation of Regional Planning Area Action Plans consistent with the intent of the Teller County Growth Management Plan and Action Plans.
- **Objective 9A.** To enhance and maintain a sense of community for the county, cities, towns and areas.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-1** Encourage the protection and improvement of the desired image and character of the County, regions, and communities.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-2** Encourage development that is responsive to the established identity of Communities and regions.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-3** Encourage the evaluation of the effects of development on the image, character, and physical characteristics of the Community or region.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-7** Encourage a continuing awareness of the long term effects of growth upon the physical form of the County, and its Communities.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-8** Encourage that new growth be financially, economically, socially, and aesthetically beneficial to Teller County.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-9** Encourage the support, maintenance, and preservation of the quality of life desired by the residents of the County.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-15** Encourage the maintenance and preservation of the natural environment of Teller County's mountain communities.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-17** Encourage, within limited growth areas, the protection and conservation of land and other natural resources which are the basis of the mountain living character, community, economy and life style of Teller County.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9A-19** Encourage, within limited growth areas, the maintenance of the rural characteristics of areas and minimization of new development opportunities.
- **Objective 9B.** To promote appropriate design and arrangement of development which is compatible to the community, area and neighborhood.

- **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9B-41** Encourage residential development patterns to be orderly, timed and sequenced;
    - they should emphasize reasonable, compact growth to achieve land, energy, and public fiscal resource efficiency, and
    - provide for the greatest possible diversity in housing types and costs.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9B-45** Encourage the promotion of infilling of residential development on vacant parcels in existing neighborhoods with proper consideration for the effect on surrounding areas.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9B-53** Encourage, within limited growth areas, the recognition of the existence of established developments and only encourage appropriate infill to the maximum extent possible compatible with the rural characteristics of the area.
- **Objective 9C.** To provide for the development of quality housing and residential opportunities affordable to all of the citizens of Teller County.
- **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9C-1** Encourage an adequate supply of various housing opportunities throughout the County, and in its Communities, to satisfy the needs of different family income levels and life style choices.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9C-2** Encourage the creation of residential areas that provide a mixture of housing opportunities to satisfy a variety of life-styles, incomes and ages.
  - **POLICY STATEMENT/IMPLEMENTATION STRATEGY NO. 9C-14** Encourage techniques that will reduce the cost of housing and maximize land use such as planned unit developments, innovative housing and building techniques, and higher density in appropriate areas.

5. **STAFF FINDINGS:**

Table 7: Criteria Key: ● - criteria applies	Regulation change	STAFF FINDING
<b>Application.</b> Compliance with all submittal requirements.	●	True
<b>Application.</b> The representations in the application are valid.	●	<p>The application letters of October 31, 2006 and December 12, 2006 contain representation questions, including the following:</p> <p>(1) Absent at least a sketch plan or other drawing of the proposed development it is difficult to know whether the many representations in both letters regarding future development (including, without limitation, representations regarding infrastructure, trails, access, maintenance of Meadow Park Drive [a public road], and open space – it appears that some open space and road access representations in the two documents conflict) have validity;</p> <p>(2) Regardless of well permit, under the Land Use Regulations Ms. Plummer is currently entitled to three dwelling units on her property until May 22, 2008 and two thereafter;</p> <p>(3) It is not clear what Applicant's intents are regarding the existing Meadow Park PUD and/or up to three new PUD(s);</p> <p>(4) Some citations from the Divide Regional Plan appear to be from the 1998 Plan and not the</p>

Table 7: Criteria Key: ● - criteria applies	Regulation change	STAFF FINDING
		<p>2006 Plan (the correct citations are provided in <i>Section 4 Discussion of Major Concerns and Issues</i>);</p> <p>(5) The validity of Applicants' representation of a 1998 "oversight" when this 40 acres was not included in the Town Center might be questioned given (a) the material participation of one co-applicant in the formation of that Plan and its maps; and (b) the desire to only now include the property within the Town Center in order to rezone, subdivide, and sell off the bulk of it.</p> <p>(6) The "planned phased growth" of the Meadow Park PUD is unclear. Platting so far has not followed the phasing plan originally submitted and the Development Agreement allows phasing changes based solely on prevailing market conditions.</p> <p>(7) The addition of this 40 acres could not be considered "infill" in the conventional sense of the word, or by definition in the Teller County Land Use Regulations: <b><i>IN-02 INFILL SITE. An infill site is a single parcel that prior to January 1, 2000 was (1) zoned or designated (on a growth and conservation map) for a density greater than 1 dwelling unit per acre, and (2) located in a designated growth area.</i></b></p> <p>(8) This is not an application for rezoning but an application for a change in the Land Use Regulations. A change in MA-55 boundaries does not constitute a rezoning of the property.</p>
<b>Master plan.</b> Proposal is consistent and in general conformity with all applicable provisions of the County master plan, and is in harmony with the general purpose, goals, objectives and intent thereof.	●	<p>Untrue. See Analysis in <i>Section 4 Discussion of Major Concerns and Issues</i> and summary below</p>
<b>Regulations.</b> Proposal is in harmony with the general purpose, goals, objectives and intent of the Land Use Regulations	●	<p>Untrue. See Analysis in <i>Section 4 Discussion of Major Concerns and Issues</i></p>

**Summary of Staff Findings Under the Teller County Growth Management Plan:** For reasons more fully discussed in *Section 4 Major Concerns and Issues* above, incorporated herein by reference, and including without limitation the following, Staff finds that this application is not consistent and in general conformity with all applicable provisions of the County master plan, its general purpose, goals, objectives, and intent:

1. There is substantial Preliminary Plan-approved development within the Town Center (Urban Growth) boundary, only a fraction of which has been developed. It is not consistent with the Teller County Growth Management Plan to encourage additional lands for development until those with current approvals have been substantially developed. Policy Statement / Implementation Strategy No. 3-A6 states: "Encourage the maximum development potential of existing platted subdivisions zoned for residential use, except in those areas experiencing inadequate water supply and wastewater disposal problems." This is congruent with the Divide Regional Plan Addendum "A" that calls for 75% build-out before expansion of the Town Center. Current build-out is less than 50%.

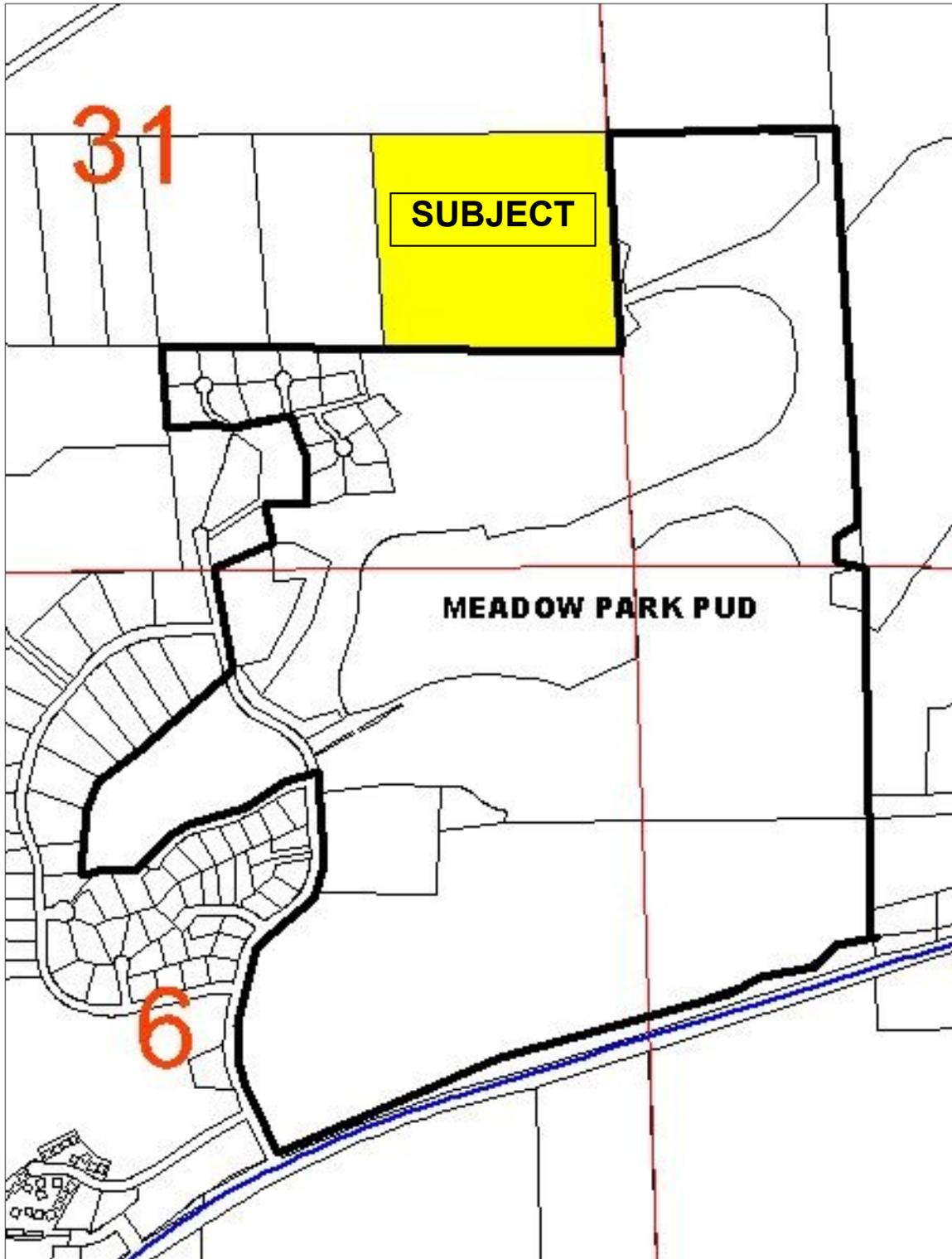
2. While the provision of infrastructure is necessary for a change in functional planning area classification from Limited Growth Area “Fringe Protection Area” (functional area 4) to Growth Area “Potential Development Activity Area” (functional area 3), it is not sufficient, and the preponderance of analysis of the Teller County Growth Management Plan weighs against a change in status of this land at this time. The Teller County Growth Management Plan directs the preponderance of new growth to the *existing* functional area 3, rather than the creation of new functional area 3 lands until sufficient demand is present. Further, extension of infrastructure into this area may be seen to conflict with Policy Statement /Implementation Strategy 3A-32: “Encourage, within limited growth areas, no extension of capital improvements in such a way as to subject the area to increased development pressure.”
3. As represented in the application, the development proposed for the land does not provide a diversity of housing types, as is encouraged under Objective 9C of the Teller County Growth Management Plan.
4. The Teller County Growth Management Plan encourages concentration of development; this application expands development.
5. The Teller County Growth Management Plan encourages congruence with the regional sub-area plans, of which the Divide Regional Plan is one. In numerous respects this application does not meet the criteria set forth in the Divide Regional Plan “Addendum ‘A’ Criteria for Amending Divide Town Growth and Conservation Map,” including, without limitation: Need, Market Need, Cost/Benefit Analysis, Logical Expansion, and Future.

**6. RECOMMENDED MOTION:**

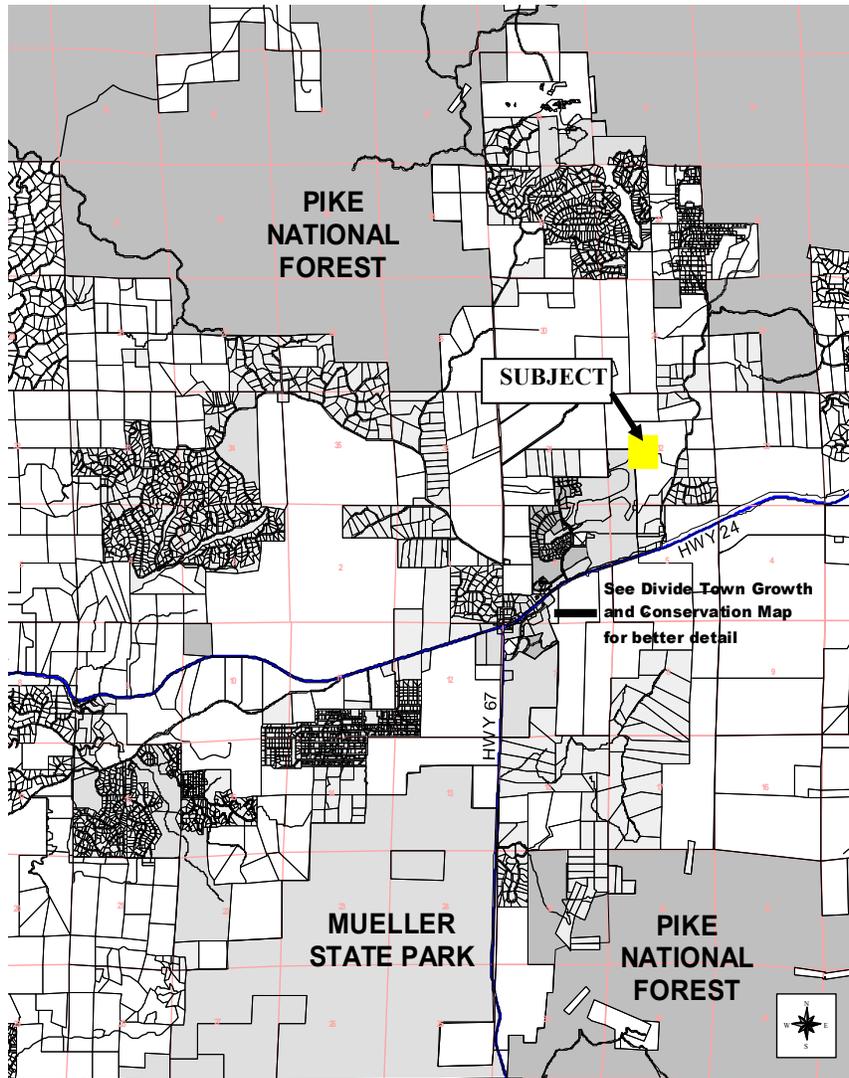
I move that the Planning Commission recommend to the Board of County Commissioners that it DENY the request of Spring Meadow Ranch Partnership, LLLP, (William L. Page, General Partner) and Carol Plummer, to amend Appendix MA-55: Maps of the Teller County Land Use Regulations to incorporate a 40-acre parcel legally described as the NE ¼ SE ¼, Section 31, Township 12 South, Range 69 West, of the 6<sup>th</sup> P.M., County of Teller, State of Colorado, currently designated “Rural Lands” (Limited Growth Area), into the Divide Town Center (Growth Area/Urban Service Area), incorporating Staff findings contained in Section 5 Staff Findings of that Staff Report dated February 6, 2007, and, further, the extended analysis of the compliance of the application with the Teller County Land Use Regulations, the Teller County Growth Management Plan and the advisory Divide Regional Plan contained in Section 4 Discussion of Major Concerns and Issues in that same Staff Report.

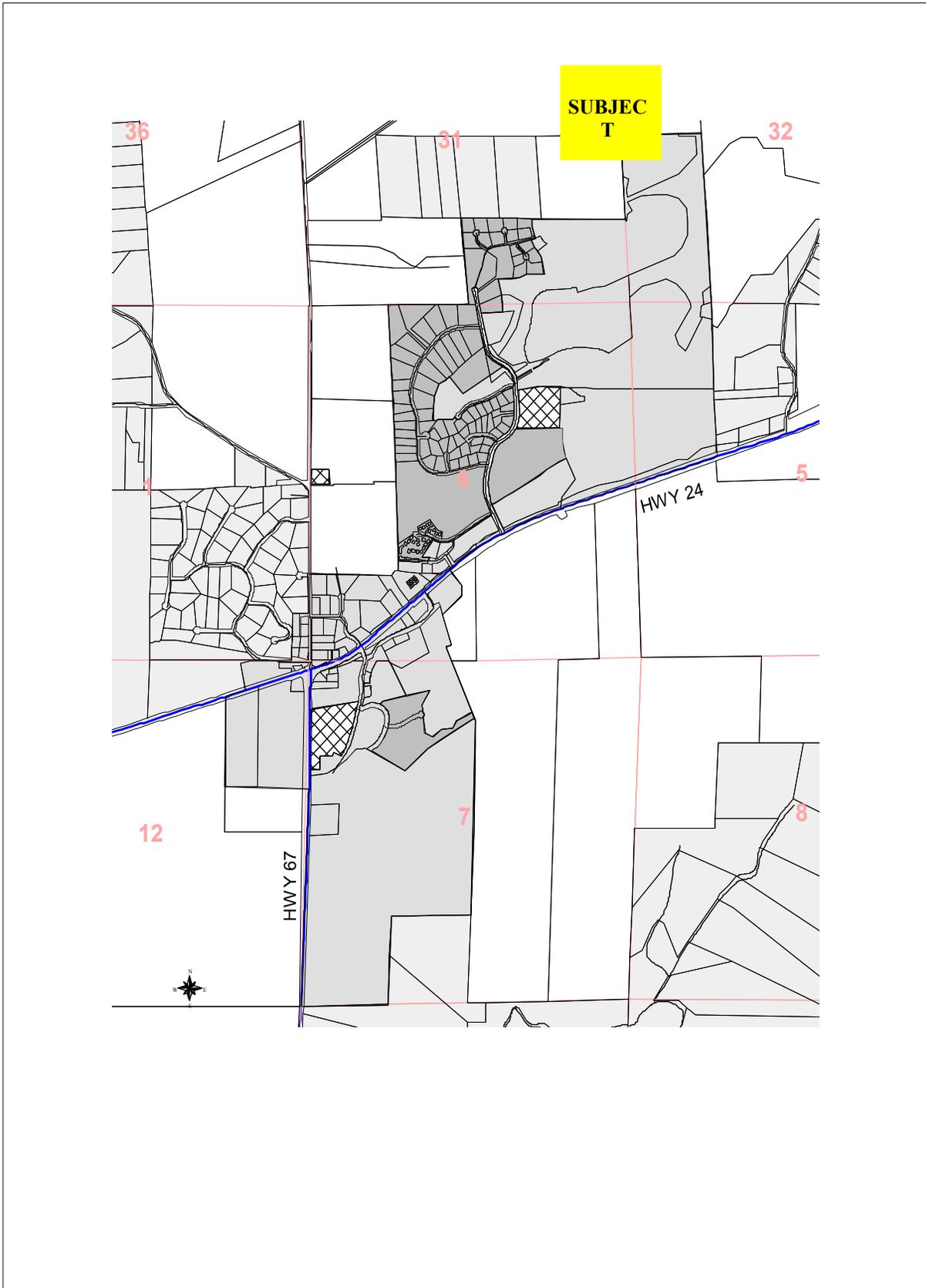
- 
- **APPLICANT PRESENTATION**
  - **PUBLIC COMMENT**
  - **APPLICANT RESPONSE**
  - **PLANNING COMMISSION DELIBERATION AND ACTION**

**APPENDIX A: PROPERTY LOCATION**  
to that Staff Report Dated February 6, 2007  
[FILE NO. LUR-00030 (06)]



**APPENDIX B: CURRENT TCLUR MA-55 DIVIDE MAPS**  
to that Staff Report Dated February 6, 2007  
[FILE NO. LUR-00030 (06)]





**APPENDIX C: DIVIDE TOWN CENTER BUILD-OUT MAP**  
to that Staff Report Dated February 6, 2007  
[FILE NO. LUR-00030 (06)]

