

Teller County Planning

This document is a description of how Land-Use Planning in Teller County, Colorado works and is intended for the education of residents. This description is produced by members of one of the referral agencies and is purely for educational purposes.

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Colorado County Planning Overview

Colorado as a U. S. State, came into existence in the year 1876 and Teller County came into existence in 1899 mostly due to Gold Mining in the Victor & Cripple Creek area. This small County (559 sq. mi.) became what is called a Planned County with Land Zoning Laws in about 1973. Much of the opinions and rules for Land-Use were established in the 1990 era. Teller County government now includes the *Planning Department* whose employees address Land-Use Planning and assist residents. In Colorado, elected Commissioners are empowered to approve changes concerning Land-Use.

Much of the land in Mid-Western States (such as Colorado) is not within incorporated cities or towns, unlike lands in the Eastern United States where most all the land is within municipalities. Of the 559 square miles of Teller County only 8.41 square miles are incorporated into the three municipalities of Woodland Park, Cripple Creek and Victor. The rest (about 550 sq. mi.) is categorized as either Public or Private Land. Public Land refers to that which is administered by Federal, State or County governments (for example: Florissant Fossil Beds, or Muller State Park) thus, the *Public*, fellow Citizens. Public land makes up about half of Teller County. Private Land in Teller County is basically everything else and is subject to the county Zoning laws.

With respect to Land Use Planning, there are two types of documents: Advisory and Regulatory. Wants and desires are recorded in documents referred to as Advisory Plans. These are the Teller County Growth Management Plan and Region Plans; stating what citizens want. There is one Regulatory document named the Land Use Regulations (LUR) which contains the Rules and Regulations - the Laws. In simplified terms; the Advisory Plans state what the residents want, but are not Law, the

Regulatory LUR is Law and must be adhered to. Any of these documents is subject to change, but citizens must follow accepted processes to effect any change. All of these Plans and Regulations are available on the Internet at the Teller County Website in the [Planning Department](#).

The Regulatory Laws in the Land Use Regulations include a Map which provides useful information about Teller County Land Use which probably answers many questions and concerns. This Map (page one of four) is available on the [County Website](#) and is part of the Land Use Regulations (LUR); the Maps are in Appendix B. The LUR are the Laws (Regulations) which establish what is allowed in unincorporated Teller County, thus this Map is Law.

Those Regulations are the go to Laws of what is allowed and permitted in unincorporated areas of Teller County. Not Public Land and not within a registered town or city. The Advisory Plans explain the citizen's wants, implying the why.

The following explanation attempts to explain Land-Use Planning in Teller County.

Comprehensive Plans

The Colorado Department of Local Affairs (DOLA) has a Local Government section available on the Internet providing information on what are called [Comprehensive Plans](#). That website includes a nice introduction saying our county (Teller County) is permitted to have such a Plan. The comprehensive plan, or *Master Plan*, provides the framework for regulatory tools such as zoning. Teller County names their Comprehensive Plan **Growth Management Plan (GMP)**, not *Master Plan*. Incorporated cities within Teller County each have a Master Plan for their community¹.

The Comprehensive Plans topic includes a *Master Plan Primer* which establish that the Master Plan (in Teller County that is called the GMP) is a framework and guide with goals and objectives. This Plan serves as a foundation for regulations. The community establishes desires (what residents want) and the regulation (Laws) states how to reach that desire. A County or Municipality can establish regulations to obtain the desires of the community. A Community in this sense can be either a County or Municipality (incorporated entities).

In a nutshell, the County can have a Plan saying what the residents want for the future; in Teller County this is named the Growth Management Plan (GMP). That Plan is about thirty years old (in 2019) and overdue for a review to account for change. Thus, the original 1990 GMP is being reviewed and revised. An updated GMP is expected to be reviewed, revised and approved to be final during 2020. So, there will be an updated Advisory document stating what the residents of Teller County want for the future, once that revision is approved by the elected County Commissioners.

Teller County Growth Management Plan

Teller County's Comprehensive Plan is named the Growth Management Plan (GMP); (a.k.a. Master Plan) and was originally approved in 1990. So, as of today (year 2019) that 30 year old document is

¹ Much has happened in the 30 years since the GMP was originated. Regions in Teller have Regional Plan documents and incorporated cities have Master Plan documents; none of those existed when the GMP was written.

being updated (Reviewed and Revised). This update is not intended to change wants, desires or concepts, but just modernize the document using the same major tenets of Managed Growth, Planning Regions and Growth Nodes.

For example; one proposed change for the revised GMP is to review the GMP more often, not wait thirty years to accommodate changes.

In the original 1990 GMP residents selected the concept of Managed Growth over Unlimited Growth and No Growth. Managed Growth would be permitted in Growth Nodes within Growth Regions which should have a residence dictated Regional Plan. And that Plan can say what residents allow for that Planning Region, including the size and location of a Growth Node. Regional Plan documents, like the GMP, and Regional Plans are Advisory, (desires, not Laws). Those advise what citizens want directing regulations which state how to accomplish those wants.

This Teller County, Colorado area was established long before any thought of Land Planning for the future. Earlier, Foot paths, later horse and wagon trails, then railroad tracks and now automobile roads dictate where transportation routes exist today. Before Gold was discovered in what is now known as Cripple Creek, the fifteen residents ranching the area did not consider Land-Use Planning. Today, modern Laws try to protect the past, while trying to accommodate the needs of today's and tomorrow's residents.

The Teller County Motto was established during the Centennial year (1999) says it all: ***Protect the Past ... Embrace the Future***

Transportation routes of yesterday dictate where most roads and population centers exist today. For the most part, today's auto roads are not where they are because of some master plan; those foot trails and railroad tracks dictated where the roads are. The first municipality in this area, Florissant², was situated where it is because of terrain and long established foot paths, hunting and trading areas. Population centers grew up adjacent to the transportation routes. Timber and Cattle Ranches were main stays in this mountainous area West of Colorado Springs at the foot of Pikes Peak. Railroad ties were needed for the trains and beef cattle was needed to feed the miners. As early as 1892 conservation Laws established what became Pike National Forest and today nearly half the land of what is Teller County is protected Public lands, unavailable for development³. After demise of the railroad in this area, (1950's) the two major automotive roads, US Rte 24 and CO Hwy 67 reinforced significant population centers along side those original railroad track routes. The major Regions and Population Centers in Teller County mostly align with the earlier transportation routes. Decisions made in the past affect what can be done today, or the future.

For example; the consideration for a Rte 24 By-Pass of the city of Woodland Park was voted down by business of the commercial area who expect visitors to partake those Woodland Park businesses. If there was a By-Pass some businesses would no survive. The result is today's traffic in that city. The ramification of a decision made long ago. Learn from this example.

Teller County land planning (zoning rules) was established in 1973, about 50 years ago. Prior to that, there was little governmental over-site of land uses by the county. Land is finite and population will

2 Floessant is the first municipality in what is now Teller County and was established in 1870, predating Teller County (1899). Florissant, Colorado is no longer an incorporated municipality.

3 Information about Pike National Forest is available at [Story Behind Pike National Forest](#).

only increase, something should be done to protect the future.

Demographics imply most Teller residents work in the Colorado Springs area, while residing in Teller County. This is unlikely to change in the near future and many more residents are of retirement age with different desires and services wanted. Many think of Teller County as a bedroom community to the front range, reside here but work and recreate elsewhere. Teller County is only 559 square miles in area while Colorado's area is 104,185 sq mi (eighth largest State) and Teller includes three incorporated cities. Population is centered in the area of Woodland Park (about 7,500 people in 6.5 sq mi) while the whole county has about 25,000 people. Meaning that the other 15,500 people reside in 280 sq mi of unincorporated Teller County⁴. Population numbers are just estimates, US Census regions don't align with geographical boundaries, so it is hard to state definitive populations.

The revised Growth Management Plan, when it is all updated and approved, probably in the 2020 time frame is expected to retain much of what the 1990 version stated as the wants and desires of the residents. Remember, the GMP is advisory (what the residents want), not regulation. The primary message being Managed Growth. The Planning Regions of the county, as stated by their residents, define growth nodes and rules where they may expand, when necessary. With the exception of one region (Four Mile) each region has a Growth Node (or Growth area) where growth is directed to happen and can be permitted.

The Planning Regions established by the County may each have a Plan (document) for that Planning Region written by the region's residents, approved by the BoCC, and is also advisory and states what the residents of that Region want. The Regional Plans are subservient to the County's Growth Management Plan. These two layers of advisory Plans culminate in the Teller County Land Use Regulations (LUR) which define the land use Laws within Teller County.

So, the Advisory GMP document says what the residents of the whole County want for the future and an Advisory Regional Plan document is subservient to the GMP says what the residents of the smaller Planning Region want for the future of their region. The people have spoken, but these documents are not Law - that is the role of the Land Use Regulations (LUR) document, it is the Law for land use in Teller County.

Growth Nodes are mostly in population centers where commercial growth is likely to increase over time. Some, not all growth areas, are in incorporated cities. Likewise, not all residential areas are within Growth Nodes, there are some residents not in a Planning Region, for those residential areas are not expected to include commercial areas nor expected to grow commercially.

For example; the area south of Divide and north of Cripple Creek along CO Rte 67 includes the Rainbow Valley residential development which is not within a Planning Region which is not expected to expand, thus no planning region is necessary - at this time.

In summary - All residents express wants and desires for unincorporated, non-Public lands in Teller County. Excluding legal Cities (Woodland Park, Cripple Creek and Victor) and land in the jurisdiction of State or Federal governments (e.g. Pike National Forest). These wants and desires are documented in the Growth Management Plan for Teller County. That approved Plan says there are Regions of Teller County and that residents of those can have a document known as the Regional Plan (one for each Region) saying what residents of that Region want and desire. These documents are the Advisory

4 The rest (about 50% of the land area of Teller) is Public Land, not in the jurisdiction of this County.

desires of residents. There needs to be Regulations of what is allowed, despite what residents want. That is the Teller County Land Use Regulations (or LUR) document, the Zoning Law for what is allowed.

Utilities & Growth

There are two limiting factors that impact growth in any area, such as Teller County; one is utilities (or services) and the other is the availability of water. Each is discussed in the following sections.

Without touting advantages or disadvantages of rural or urban living, much of Teller County is rural, although there are some urban neighborhoods within incorporated cities. In urban areas residents most likely expect to have all services provided and pay for the privilege. In rural areas some utilities may not be available, residents are willing to forgo the service for the rural area life style.

At this period in time most people expect water, sewer, gas, and electricity as necessities, and some would add trash pickup, postal deliveries, telephone and Internet to the list of desired utilities. Usually emergency services such as Fire protection, search & rescue plus ambulance should be considered, too. Sheriff services are provided by the County and incorporated cities provide Police services.

Urban paved streets, fire hydrants and other wants may be considered nice to have by many or necessities by others. Availability of many of these Utilities and Services in much of Teller County is not ensured.

To a young family considering moving to this area, rural Teller County appeals to Dad because of its open space, serenity and fewer people. Young children hate the area because, to them, there is nothing to do here. Are these beliefs due to people's age, or the time in which we live? Older people wish *for the good ole days*, while younger people *need more technology* which you need to pay for, but many youngsters don't want to work to earn a wage and pay for those services, they expect those as a given. Think about, where do you stand?

Individuals have various needs, desires and likes, we are all different. Would you prefer to shovel snow from your driveway, pay for a snow removal service, or do without and let snow to melt? Which is important to you, does your neighbor have the same opinion? A community should accommodate all residents, those wishing for the good ole days, and those wanting everything. A youngster wants faster cell service while older people from earlier generations ask what is cell service and why would anyone care? Is that progress and at what cost?

Inspecting the above list of utilities and their availability over time can be a measure of Growth. Growth relates to population in the area. Skipping the Gold Mining boom of the turn of the 20th century, there were about 7,000 people in Teller County in 1920, in 1960 (40 years later) the population was down to about 2,500. At the turn of the 21st century there were about 20,000 residents, and projections for 2020 the population is expected to be about 23,000. Reasons why the growth happens is not our concern, but as a community we should accommodate some Growth and allow wanted utilities and services to exist.

Without more people there is little need for expansion, but without available services there is little expectation more people will want to live in Teller. Add services to draw more people to the area, or add services after the population increases. Services are not provided by the County for the most part,

that is done by private industry, the Gas Company, the Electric Company, etc. The government often needs to accommodate delivery of those services; probably via delivery *right of ways*. The ability to place Electric Power lines along road ways, as an example.

Utilities and Services are a Catch 22; which drives which; provide it and they will come, or once the population reaches a threshold then provide the service. With more people there is more need for a given service. In most urban areas many utilities and services exist, but in some rural area they do not exist.

Water Resource

In Teller County, the availability of portable water is a major concern; just like the availability of a service and will impact growth in the area.

To have a viable residence a source for potable water (water which is safe to drink) plus waister water is desirable, unless you are willing to acquire and carry water and use an out house, doable, but not very convenient or marketable. That accounts for the *liquid water* needed to live (water that you drink), you also need what is referred to as *paper water*, the legal right to access and consume that liquid water. Paper water is the domain of Colorado's Water Rights and Water Courts. In this high desert area of the Country water is an important and guarded resource requiring protections and Laws. Most housing communities in Teller County do not have central water distribution and sewer (waste water processing). Incorporated cities within Teller County may have central water in part of the city (along with augmentation plans) and waste water processing, but few other locations have such services. What is *water augmentation* you ask, it has to do with paper water and the right to use the water.

The Head Waters (where a River starts) for a number of Rivers in the Western States are in Colorado and those rivers flow to other States. To protect the people and economy of those other States Colorado Water Laws were enacted to limit what people upstream can do to allow those downstream a viable livelihood.

If you move into an existing home in Teller County, necessary utilities are probably provided. Previous home owners probably made the necessary services available. Are the services you desire what the previous resident wanted for the home, maybe not, but probably the essentials are covered. If on a domestic well for water, test it for capacity and quality of the water. A domestic water well allows for single family use of water within the residence, not outside (gardening or washing the cars is not permitted).

Physical and Legal access to potable water is a major limiting factor for growth in this area, a factor in all western States, not just Teller County, Colorado. Colorado has some of the strictest Laws about water and who can use it. Refer to the [Colorado Water Courts](#) to learn more.

The Colorado water Laws might frighten new comers. While these Laws seem limiting, what do you expect to happen during a multi year drought when water reserves are scarce. Do we expect the Water Courts to direct people to stop using their water source? During such a drought water quality may diminish making the water unfit for human and animal consumption. It is unlikely to get that bad, but it could. The governments will most likely step in and address the issue of availability of water. Water issues are already happening in a number of areas, so be warned, and require that future planners consider the availability of portable water and

processing of waste water.

For example; some large tracts of land near Fairplay, Colorado sold their water rights for profit. That third party buyer, actually the city and county of Denver, drained the aquifer of water adding the water to their reserves. The sellers water quality became so poor they can't drink or bath in the water in their own homes. The sellers original profit goes to acquiring potable water. A future buyer needs to be conscious of situations like this.

The availability of portable water in much of Teller County is not assured. While some areas within Teller County have central distributed water, most areas do not. The lack of portable water may limit growth in some areas.

Planning Region

The above referenced Map ([link to map](#)) identifies the Planning Regions within Teller County. Future growth is directed at the commercial centers within the regions, where services and water are likely to exist. For growth to occur, services are expected by the people. At this time, people expect more than a wood burning stove and an out house. Services and utilities are expected for patrons of a business (such as a restaurant) as well as residences.

Planning Regions were established within Teller County where residents of an individual region document their desires for the future of that area. This document becomes the advisory Regional Plan for growth in the area.

There were originally six Planning Regions in Teller County, but two were combined into one; the Cripple Creek and Victor regions were combined into the Southeast Teller County Planning Region. That combined region encompasses two Growth Nodes, one for each incorporated city. The Four Mile region includes no Growth Node, because the residents do not desire growth in their region.

A Growth Region can, but might not, include an incorporated City or Town and may, but does not have to, include a Growth Node. In order to accommodate some growth, at least some services are *expected* in Growth Nodes. If this is were residents expect to direct growth there should be some services such as water, sewer, phone, etc available. These growth nodes are typically located at convenient cross roads near the center of the region. Residents outside that center also have desires for similar services, but might not be provided by central providers. So, residents may be on well water, use septic systems, have propane tank, etc. Notice that Teller County government is not providing any of those services - it is not Teller County's job.

Within Teller County there are Planning Regions which residents have stated their desires for the future. Within most of these regions there are central Growth Areas, or Growth Nodes, where residents want to direct where growth happens. Conversely, outside the Growth Area is where the residents do not want Growth to occur. Those non-growth areas are intended where private rural lands exist and are intended to remain as they are.

Infill growth within the Growth area before that area is permitted to expand to accommodate additional

growth. This common theme refers to - prevent expanding the Growth area until a percentage of available land is used. Allow expansion only when it is needed, not just because someone wants it.

In most commercial and growth areas of Teller County, our established Growth areas, it is safe to assume most utilities are available, not necessarily as a central resource. Businesses and residents should be able to safely assume adequate services in these areas. Moving further away from these Growth areas some services might not be available. A first to not be available is water, most need a well as a source of water and a septic system for waste water treatment. A septic system requires some land (separation requirement) and what recourse is there if either well or septic fail. It has happened in the past - is there enough land to construct another well or septic service?

There are many residential lots in some subdivisions in Teller County which are too small to hold both a water well and septic, these lots were sized for vacation use, camper trailer or tent, and not a full time home; thus can not support water well and septic. Some homes do not have a well and require a cistern to hold trucked in water. Possible buyers should be aware of the land's restrictions.

For the Planning Region of the Divide area of Teller County there is a short history description provided at this Divide Planning Committee [web page](#).

Planning Summary

Planning refers to *Land-use planning which is the process of regulating the use of land in an effort to promote more desirable social and environmental outcomes as well as a more efficient use of resources*⁵. This definition might sound a bit academic and consists of non definitive terms, but that is the intent - there is no perfect plan (process) for the future.

To have a Process implies there are People charged with administering that process. In Teller County we have the Planning Department with paid employees. The Teller County Planning Commission is made up of seven (plus two alternate) residents who are appointed to terms on the Planning Commission who, in Public Hearings, usually make recommendations about change applications. Typically, those recommendations go to the three elected County Commissioners, who also in a Public Hearing are empowered to make decisions on various topics, including Land-Use Planning subjects. Residents are welcome to contact employees of the Planning Department; after all they work for you, as well as attend any meetings of the Commissioners, meetings are open to the public⁶. Figure 1 identifies the three major steps in Land-Use Planning.

5 Wikipedia article on Land-use planning.

6 On some rare occasion there might be a closed (private) session the public can not attend.



Figure 1: Teller County Planning Process Overview

From the **Process standpoint**, an applicant typically first meets with the *Planning Department* to discuss a proposal. Employees will assist the applicant to prepare all necessary items and help work through the process. In preparing a change application, if appropriate, a Regional referral agency may be asked to submit an opinion on the application. When ready, the proposed application passes to the *Planning Commission* (the appointed group of Commissioners) residents empowered for most subjects to make a recommendation on the proposed change. That Recommendation then goes to the *Board of County Commissioners* (BoCC), three elected officials empowered to make decisions. This process can take considerable time.

Looking at this from a **People standpoint**, there are Teller County Employees who should be knowledgeable and remain on the job even while appointed and elected commissioners come and go over time. Their long standing knowledge and experience should be beneficial to both residents and commissioners, alike. Planning Commission members are appointed to three-year terms and are members of the community (Teller County residents). These are your neighbors which I personally find are knowledgeable and want to do what is right for the future of Teller County. Then there is the Board of County Commissioners (BoCC) made up of three elected residents who meet in public forum to address many various subjects, some of which are Land-use Planning topics. The BoCC commissioners are empowered to render decisions, and us usually the end of the process.

If an applicant is not satisfied with the proceedings, results rendered by the BoCC. There is the BOA (Board of Adjustment) who are citizens which can overrule the BOCC; as well as the Court system available - but in most cases the rulings of the BoCC are upheld.

From a **document standpoint**, there are two types of documents - Advisory and Regulations. Put simply; an Advisory document is what is desired, but is not Legal and a Regulation is Legal, the Law stating what is permitted, or not. In Teller County there is the County wide Growth Management Plan which says what the Residents want, Advisory guidance - not legal. Then there are Regional Plans for areas not within a City which says what the residents of one of the smaller Regions want, these Regional Plans too, are Advisory and not Legal⁷. Our incorporated Cities within Teller County each

⁷ The Regional Plan for the Four Mile Region is actually a legal binding document.

have a Master Plan which basically does the same thing as the Regional Plan except it is for that municipality. These Advisory Plans all say the desires of the residents and leads to the all important Land Use Regulations (LUR) document - the actual Law of what can and can not be done. All of these documents reside on the [Teller County Website for the Planning Department](#).

While the Advisory documents are not the Law, they do state the wishes and desires of residents, the constituents, of the appointed and elected commissioners. Commissioners who go against the wish and desires of residents should not expect to remain in office. Even Regulations are subject to change - the public can submit a change to any of these documents.

Land Use Terms

Terms related to Land Use used in Teller County, Colorado.

- Public Land - that land managed by the U.S. Federal Government, Colorado State Government, or Teller County government; for example: Pike National Forest and Mueller State Park. This land is not in the jurisdiction of Teller County, although may reside within Teller County. About 50% of land in Teller County is Public Land.
- Unincorporated Land - Land in Teller County which is not Public, and not within an incorporated municipality - everything else. This is the jurisdiction of Teller County government. It may be County Land or private owned land. A resident or owner of this land pays taxes on the land, as long as it is not exempt.
- Incorporated Land - within the boundaries of registered Cities within Teller County; our three cities are: Woodland Park, Cripple Creek and Victor. Those municipalities have their own rules pertaining to Planning for land use, and what activities are permitted.
- Planning Region - The State of Colorado authorizes a County some latitude concerning Planning. Most land, but not all, in Teller County is within a Planning Region. Designated Planning Regions are mostly advisory, may have a documented Regional Plan, may include a Growth Node, and may include incorporated areas (City) Unincorporated Planning Regions may have Planning Committee and Regional Plan document stating what the residents desire.

Refer to the Land Use Regulation (LUR), [Appendix B](#), page one for a reference Map which depicts Teller County areas from a Land Use perspective. This Map is a good starting point for learning about Teller County Land.

Example Change Application

As only an example of an application to understand what is involved, refer to past applications (Example [Staff Report #4 for year 2019](#)). This link from the year 2019 Planning Commission agenda⁸ provides an example of a 36 page application worked out between the Planning Department and the Applicant. This application was submitted to Teller County Planning Commission (government body)

8 On the Teller County Planning Department web page is the PC Agenda page [link](#) with staff reports.

requesting a recommendation be made. That recommendation was to change the Zone to permit constructing a Storage Unit on the land.

On page 10 of this application begins the LUR dictated content for such a change and the required first consideration is: **Consistent with the Master Plan**. In this case the *Master Plan* is Teller County Growth Management Plan and the Florissant Regional Plan. So, the first question the Planning Department considers is; does the application meet the wishes and desires of the residents of the county and the Region, in this case the unincorporated area known as Florissant.

That request results in the 36 page application produced by the Planning Department employees. The Planning Department Staff had to meet with the applicant, request inputs from Review Agencies (CDOT, Fire, Gas, etc.) and draft the application. There is no active Regional Planning Committee within the Florissant Region, but it there where a review input would have been included. These efforts do not include prior efforts done by the land owner.

Employees of the Planning Department draft what they think will be the recommendation of the Planning Commission. That appears on the example on page 12. There are times when the Planning Committee required modifications be made, such as adding a condition, but that is usually taken care of on the spot at the public hearing.

Pages 13 through 36 make up additional information such as maps, plans for what will be built if the application is approved and referral letters.

The Planning Commission recommended approval of this example application. Then the application goes to the BoCC where it was the subject of a public hearing at which the application was approved.

This example just shows the effort necessary to make a change and that the Planning Department and Commissioners put considerable importance to the wants of the public. So, what goes into those Advisory Plan documents carries a lot of weight.