

C4-Concerned Citizens for Custer County
“Keeping Custer County Special”
PO Box 862
Westcliffe, Colorado 81252

Custer County Commissioners
 PO Box 150
 Westcliffe, Co. 81252

SUBJECT: Planned Unit Development (PUD) Position Paper

19 Sep 2007

1. **Problem/Objective:** To understand PUDs, determine the impacts to Custer County and define a C4 position.

2. **Points to consider:**

- Colo Revised Statutes define PUD as: “Planned unit development means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.”
- The Commissioners have decided to exempt zones 1 & 2 (80 and 35 acre areas on and West of the valley floor) from being considered for cluster developments and minor subdivisions due to the increased dwelling density they allow. The intended land use for zones 1 is low density and agricultural in nature, zone 2 is agricultural in nature and rural residential.
- The County has PUD regulatory guidance found in the Zoning Resolution (ZR) dated 6 Mar 02, which stated the minimum acreage for a PUD in zone I was 80 acres and 35 acres for all other zones. It further stipulated that 50% of the acreage will remain in open space and densities would be no more than double for single family homes, no more than 20,000 ft² for light industrial structures, and no more than 10,000 ft² for commercial/retail structures.
- On 19 Nov 02, just 8 months after initial approval, the BOCC approved an amendment to the ZR which greatly increased the density standards for dwellings and dropped the 35 acre minimum. These new standards permitted a 1000% increase in density in zones 1 & 2 (up to 10 homes/parcel) compared to standard zoning (see chart below from the amended ZR).

Zone	Percent of open space	Density standard (dwelling unit/acre)
Zone 1	50%	4/80
	60%	6/80
	70%	8/80
	80%	10/80
Zone 2	50%	5/35
	60%	7/35
	70%	10/35
Zone 3	50%	2/10
	60%	4/10
Zone 4	50%	2/5

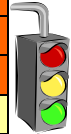
- Both the County Master Plan and Zoning Resolution state the intended land use for zones 1 & 2 is low population density, agricultural in nature and rural residential for zone 2. Increasing the dwelling density by 1000% per the above table conflicts with the intended land use.
- The PUD section of the ZR contains detailed standards and procedures that address the PUD application process, approval steps, and standards to be met in key infrastructure areas such as water, sewer, etc.
- County Commissioners retain final approval authority on all PUD applications.
- No PUDs have been approved in the valley floor area of zone 1 West of hwy 69. However, one from Humboldt Peak LLC is currently in process and it will set a precedent in that area if approved.
- Other PUDs have been approved in the County— Airport Industrial Area, Hermit Basin Lodge, Range View Park and The Highlands (golf course).

- Although residential property generates more property tax revenue than range and crop lands, the net county costs increase with residential property; rural residential property requires \$1.30 in community services for every \$1.00 of tax revenue generated. (See CSU report May 2003-APR 03-03).
- Currently there is no shortage of buildable lots/open space in Custer County; approx 2/3 of parcels have no homes.

3. **Decision criteria and analysis table:** stoplight colors: red=negative; green=positive; amber=caution

Key CD Decision Criteria:

Water demand	Red—increased density increases water demand
Home/population density	Red--Potential 1000% increase
County employee staff, supervision & budget	Red—Increases demands on County staff
Open space preservation	Red—dwelling density reduces open space
Demands on county infrastructure *	Amber--Can be minimized in PUD negotiations
Development related job/economic increase	Green--New single residence homes
Environmental impacts **	Amber—Can be minimized in PUD negotiations



* infrastructure includes increases in County staff and supervision requirements; road use; sewer systems; county services like schools, health clinic, fire and sheriff departments; etc.

** includes water filtration, erosion, drainage, increased weed growth, wildlife impacts, noise and light pollution, etc.

4. **Discussion:**

a. **Pros:**

- The existing county ZR is reasonably thorough and detailed; however it does need clarification in some areas.
- Site planning for PUDs permits better use of land that is tailored to the specific characteristics of the property than under traditional 35 acre developments where the County does not get involved due to state law.
- In addition to residential areas, the PUDs address commercial, industrial, and recreational uses.
- The County PUD ZR requires the developer to insure “adequate” infrastructure including water, sewer, roads, power, and phone while protecting environmental and ecological assets, but the ZR needs to state when such infrastructure must be operational as a condition for the PUD approval.
- PUDs have applicability to municipalities like Westcliffe and Silver Cliff where infrastructure already exists.

b. **Cons:**

- The amended ZR allows up to a 1000% dwelling increase in zones 1 & 2 (80 and 35 acre zones). That increase is counter to the intended land use in both zones of “low density” and “agricultural in nature.”
- The added staff and volunteer time required to process, administer and supervise PUDs will increase county costs. CSU studies estimate that it will cost the County \$1.30 for each \$1.00 in revenue gained from such rural residential areas.
- Additional reviews/permits may be needed to ensure water is available to support the development and meters may be required to ensure water use is appropriate.

5. **C4 position:**

a. Recommend the Commissioners decide to amend the Zoning Resolution to exempt PUDs in zones 1 & 2 thereby conforming to the intended land use for the valley floor area of low density and agricultural nature. This also conforms to the Commissioner’s previous decision to exempt zones 1 & 2 from cluster developments and minor subdivisions.

b. Proceed with caution in zones 3 & 4. PUDs can be carefully planned and used by the County to meet specified planning objectives. When used in harmony with existing land use policy found in the Master Plan, PUDs can be a useful tool for the future in land use planning. The existing procedures, policies and standards found in the ZR provide a basis upon which to make individual PUD application decisions, especially regarding water where operational water systems should be required before final PUD approval is given.

For the membership and Board

//signed//
Joe Arbuckle
C4 Chairman