CHAPTER 7: IMPLEMENTATION GUIDE AND TOOLKIT

INTRODUCTION

The Vision statement, policy framework, goals, and strategies set forth in previous elements of the Master Plan together describe the desired future of Clear Creek County during the next 20 years. They do not, however, tell us precisely how to create the kind of community envisioned by the Plan. Yet unless appropriate actions are taken, the plan will remain unrealized. Consequently, a strategy for how to implement the Plan is needed. It is the intent of this implementation guide to translate the Master Plan's vision, policy framework, goals, and strategies into the day-to-day operations of the County government.

This implementation guide considers all elements of the Master Plan, recognizing that they are highly interconnected and must be implemented in a way that treats each element as part of a larger whole. This implementation guide takes great care to make every decision within the context of that basic reality, while providing helpful tools and actions to help achieve the future envisioned by the plan.

CLEAR CREEK COUNTY ZONING REGULATIONS

The Future Land Use Map (MAP-12) suggests several new land use designations and clarifies where within the county expected land use outcomes are desired. Maintaining consistency between the zoning regulations and the Master Plan is vital. An important short-term implementation strategy for the County will be to rectify the currently adopted zoning regulations (August 2011) against the suggested future land use designations of the Master Plan. For example, the identified areas for "multiple uses" should be clarified within the zoning regulations to assure the diversity and flexibility of the uses as contemplated in the Master Plan is preserved. Similarly, the consideration of the development constraints overlay within the Future Land Use Map should be connected with current administrative process related to development review.

Three considerations from the in the Master Plan should be addressed in a future review of the Zoning Regulations:

A. Establishment of a clear definition and spatial extent for Multiple Use areas (by tier).

B. Review of the Mining Districts (Section 7) within the Zoning Regulations to reflect 1) the potential redevelopment of the Henderson Mine site into "multiple use" and 2) the designation of other current mining lands as "natural resource extraction", "open space/recreation" or "residential".

C. Consider amendment of the Zoning Regulations to address the need for new development proposals to submit a fiscal impact questionnaire and/or complete the "fiscal impact tool" process (described below).

SUPPORTING LOCAL GOVERNMENTS

Many of the strategies outlined in the Master Plan rely on cooperation with the municipalities. As each municipality considers its long-range plans, the County should both support and work closely with these local governments to evaluate annexation opportunities and/or intergovernmental agreements to help realize shared objectives.

LAND USE TOOLS

A hallmark of the Future Land Use Plan is the focusing of development into more define and limited areas subject to significant future community dialogue. Supporting this "focusing" of development can be encouraged through several land use strategies:

Transfer of Development Rights

The Transfer of Development Rights (TDR) is a planning tool used by some communities to preserve or protect land areas that are deemed by a community to be important such as open space lands, or preserve lands with severe development constraints such as lands within avalanche paths, tundra, or slopes over 30 percent. TDR programs can also limit growth within a geographic area if so desired by a community while encouraging development in other areas deemed appropriate. TDR programs establish geographic "sending areas" which are the areas to be preserved or protected, and "receiving areas" where rezoning for higher density is encouraged and oftentimes incentivized. The sending area density to be transferred is based on the density permitted in the underlying zone district (e.g., 1 unit per 20 acres) and the density required at the receiving site is based on the current or proposed zoning density (e.g., 1 unit per 6 acres).

TDR programs are created through a code amendment process and typically require or incentivize rezoning to higher density within a receiving area only if the new density is transferred to the site from the sending areas. The sending area site where density is transferred from is either concurrently rezoned to an open space-type zone district and/or protected by an easement held by the local government or a land trust. Receiving areas are typically located within incorporated jurisdictions and other areas with adequate infrastructure and planning to support growth and development.

TDR programs respect property rights and give value to the sending area property owners since developers in receiving areas must purchase or are incentivized to purchase the density. The value of the density is set by either local markets with a willing buyer and a willing seller, or by the local government entity that bases the price on a detailed market study. The outcome of a TDR program that is implemented over time is the protection and preservation of important or constrained areas and maintenance of the desired community character.

Rural Remote Zoning

Rural and remote zoning is a planning tool used by communities to retain the undeveloped character of rural and remote areas in a county. Rural and remote areas are typically located in mostly undeveloped areas that have substandard roads, limited infrastructure and poor fire and emergency access. Rural and remote zoning regulations often limit development to match historic development patterns in the area to be protected. It is typical to have a maximum home size limit to not exceed historic development patterns. The main goal of this limitation is to prohibit large home sizes that would change the character of an area. There are also floor area, lot area, land use and other standards to match historic development patterns.

Rural and remote zoning may also have standards to protect and mitigate environmentally constrained areas (wetlands, floodplains, steep slopes, avalanche paths, etc.); limit the impact of new road construction with a preference for historic access road use; limit winter plowing to preserve character and maintain winter backcountry access; and parcel assemblage standards that relate to the maximum home size.

Rural and remote zoning is implemented through a concurrent or sequential process where a community amends the land use code to create a new “Rural and Remote Zone District” or similar zone district that establishes zoning regulations that are designed to protect the rural character and the natural environment.

The second step is a government initiated rezoning of properties located in the rural and remote geographic area(s) following the adopted rezoning procedures. The outcome of this zoning process is the maintenance of the mostly undeveloped character of rural and remote areas in a county.

Subarea Plans

Subarea plans are a long-range planning tool used by communities to create a more detailed land use plan for a geographic subarea. Sub-area plans allow a community and a neighborhood to take a more micro view of an area with the goal to create more specific and detailed policies and plans. The sub-area planning process allows for participants to understand the existing context of an area (zoning, land use, constraints, infrastructure, existing development, vacant land, etc.) and imagine the future of the area.

The sub-area plan will include goals, actions, policies, plans and implementation measures to reach the desired future. Subarea plans can have many different levels, ranging from higher level plans to parcel tested plans that utilize architectural or planning firms to show the conceptual layout of buildings, floor areas, massing, streets, open spaces, parks and other land uses.

Economic, transportation and other detailed studies can be conducted concurrently with a subarea plan to ensure the desired future land use plan is likely to achieve the desired results. Specifically, the fiscal impact tool (described below) can be used to evaluate a conceptual “build-out” within a defined sub-area to help clarify the fiscal outcomes. Any new or updated subarea plans should also consider the Master Plan elements and define how it can help achieve county goals and objectives at the local scale.

A subarea plan duly adopted by the county can be used as the foundation to encourage and even require general conformance with the subarea plan, with each rezoning measured as to how it will help implement a subarea plan over time. The desired outcome is the development and preservation of an area as envisioned in a subarea plan.

ECONOMIC DEVELOPMENT TOOLS

Economic development goals and strategies are an important part of this Master Plan. An important step in realizing these goals is connecting economic development policy with other elements of the plan (i.e., Future Land Use, Housing, etc.).

Perhaps the best way to move this process forward is for the County to work in close collaboration with the Clear Creek County Economic Development Corporation and other such agencies in exploring how and where various economic tools can be applied.

Enterprise Zone tax credits

The Colorado Enterprise Zone (EZ) Program was created by through CRS, Title 39, Article 30) to promote a business friendly environment in economically distressed areas. The program offers state income tax credits to incentivize new or expanded businesses to locate and develop in these areas. The program also includes support to help realize these potentials. At present the entirety of Clear Creek County is within an Enterprise Zone. The County should explore how goals of the Master Plan can be supported and/or support business opportunity through this program.

Tax Increment Financing (TIF)

The use of Tax Incremental Financing (TIF) to support infrastructure improvements as directed through a UR (Urban Renewal) or Downtown Development Authority (DDA) is well established in Colorado. At its essence, TIF works on the premise that upfront expenditures of financial resources to kick-start new development will, over some time, be paid back through the levy of taxes on an increasing tax base. Establishing a TIF can be highly complex, but determining where/if this tool is applicable in the context of supporting the Master Plan should be short-term implementation objective.

Public Improvement District or Fees (PID/PIF)

A public improvement district (PID) is a taxing entity which can finance, construct and maintain public improvements. A PID may be formed to address any type of public improvement or service. It has authority to issue debt and to impose a mill levy against real and personal property within the district. Again the development of a PID or PIF should be undertaken in light of the goals and strategies of the Master Plan and in support of the Vision.

Industrial Revenue Bonds

Public bonding in support of critical infrastructure to promote/encourage private-sector development is a common use of IRB's. Again the application of this economic development tool should consider the Master Plan Vision and policy framework; particularly related to the need for greater fiscal impact assessment and the importance of sustainability.

FISCAL IMPACT TOOLS

What is a Fiscal Impact Analysis?

A fiscal impact analysis is a tool that compares county government costs against revenues associated with development policies and projects. The analysis helps ensure that county officials understand the short- and long-term fiscal effects of land use policies as well as the impact from new development projects that are approved. County governments are then able to weigh land use policy decisions, acceptable levels of public services provided, plans for capital investments, and long-term borrowing needs, in addition to prompting local officials to evaluate current and future revenue sources.

A typical fiscal impact analysis is a projection of the net cash flow to the public sector resulting from development – residential, non-residential or other. It is similar to the cash flow analysis a developer conducts in order to project costs and revenues likely to result from a proposed development. A well-prepared analysis will reflect revenue, capital costs and associated operating expenses. This is in contrast to an "economic impact analysis," which evaluates direct and indirect impacts on the overall economy; those impacts are typically new jobs, real disposable income and consumer spending.

Why Conduct a Fiscal Impact Analysis?

A fiscal impact analysis brings a realistic sense of the costs of new development and redevelopment into the public discussion and provides local governments with the financial information necessary to make balanced land use decisions that are cost-effective and make efficient use of public services and infrastructure. A fiscal impact analysis can lead to a better understanding for both the public and elected officials of the various factors contributing to development proposals and increases their confidence in the fiscal soundness of land use decisions. Using fiscal impact analysis to evaluate land use decisions may also result in more consistent government revenues in the future. A fiscal impact analysis does not provide the all the "answers" to policy and development questions—the environment, housing affordability, jobs/housing balance and quality of life must also be considered—but it can be a very useful tool when evaluating development proposals and land use decisions.

Given the phasing out of the Henderson Mine, Clear Creek County government revenues are rapidly changing. As a result, the need to understand the fiscal impact of new development and to provide services as efficiently and cost-effectively as possible is more important than ever. A fiscal impact tool allow the County to assess the impact of land use decisions at the local scale, while allowing for the project-by-project flexibility necessary to achieve desirable economic development in the County. Along with this anlaysis comes the notion that simple "growth" is not the objective, but rather growth that supports the fiscal and economic health of the community. Development that achieves this health is desirable, but growth for growth's sake should not be blindly pursued. A fiscal impact analysis tool will allow the County to ensure that new development or redevelopment in the county is "good growth" that will remain viable over the long-term.

Choosing a Fiscal Impact Analysis Tool

The County has a number of fiscal impact tools and resources available to them, inlcuding the SiteStats model used by CCEDC and a tool recently developed by SE Group for use in the County, among many others. The County should undergo a process by which it outlines which fiscal impact tools should be used in which situations, and to possibly further refine available tools to be more appropriate to Clear Creek County, if necessary.

Points to Remember When Conducting Fiscal Impact Analysis

- **Development results in increased demand for services:** New residents and new workers demand local services and their expectations may be different from those of the existing population and workforce.
- **Fiscal Impacts vary with the type of the development, the location of development, community services, existing service capacity and local policy:** The type of development—commercial, residential, industrial—has different implications for a community's fiscal balance sheet. The nature of the development—compact residential near central facilities versus sprawling rural residential—matters to the fiscal outcome. A community that must extend public services to new developments will incur greater expenditures, but it may pay off in the long-run. That is why fiscal impact analysis is required.
- **Consider ALL services in the process.** While Clear Creek County itself does not necessarily provide all services (i.e., some are provided by sewer or water districts), expanding the analysis to address the widest scope of service costs (and revenues) only services to improve the understanding of the economic cost/benefit.
- **Impacts are Cumulative:** The impact of a single development may be insignificant to a community's fiscal position; however, the impact of development after development may be substantial. Over time, development has broad effects on revenues, expenditures and the tax base.
- **Development affects different groups in different ways:** The distributional impacts are not easily incorporated into standard fiscal impact analysis, but new development may provide greater benefits to some groups. It is important to think about how different groups may be affected and how these impacts may vary over time.