

# BAYFIELD DISTRICT LAND USE PLAN

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## **I. PURPOSE OF THE PLAN**

La Plata County, like many other Southwestern Colorado communities, has been experiencing considerable growth in recent years. Population growth rates of over 3% per year have been recorded between 1992 and 1996. Until the adoption of this plan, development proposals within the Bayfield District were considered on a case by case basis. The case by case review did not provide an opportunity for citizens, the Planning Commission, and County Commissioners to consider the cumulative impacts that individual projects could have on the County. This land use plan was prepared in order to provide the citizens and County with a framework for evaluating development proposals with the perspective of how the project relates to the Planning District and County as a whole. This plan is intended to provide citizens a picture or vision of what the Bayfield District will look like in the future. This plan will also provide the citizens and County the opportunity to begin to shape future development within the Bayfield District to insure that it is compatible with the current lifestyles, businesses, homes, and natural features. The Plan is intended to provide citizens with more predictability about what kinds of communities, commercial developments, recreational areas, residential areas, and agricultural areas may exist in the future within the District.

This Plan was created under the premise that it will provide landowners with general guidance and positive incentives for developing their property consistent with the goals & objectives of the plan. Development proposals submitted to the County for review by the La Plata County Planning Commission will be reviewed for conformance with this plan's goals, objectives, and Land Use Classification Map, which were developed by the District's residents. This is not to say that the plan cannot be changed. However, it is important that changes to the plan be considered outside the context of the details of a specific project. Therefore, if a specific application is not in conformance with the Plan, the application should be preceded by a plan amendment to bring it into conformity. It is the policy of the Planning Commission that projects that are not in conformance with the Land Use Classification Map will be recommended for denial.

Plan amendments will be reviewed and considered for approval by the Planning Commission at a public hearing prior to consideration of the specific project by the Planning Commission. Issues to be considered when reviewing plan amendments include:

- Road Capacities
- Water and Sewer Availability
- Visual Impacts
- Wildlife Impacts
- Conformance with Goals / Objectives / Vision of Plan

## 2. GENERAL CHARACTERISTICS OF THE BAYFIELD DISTRICT

The Bayfield Planning District encompasses approximately 77,976 acres in the Pine River Valley, extending west to the edge of the Florida Mesa and east to the Archuleta County line. The Town of Bayfield and the unincorporated area of Gem Village are roughly in the center of the planning area. Due to its scenic character, small town feel, and affordability, the Town of Bayfield is a rapidly growing community. Bayfield has a comprehensive plan and land use permitting system. The Town will inevitably expand its boundaries through annexation.

The rural areas surrounding Bayfield vary greatly, from the riparian area of the Pine River Valley floor and its irrigated pasturelands, to mesas, gamble oak, ponderosa pine, piñon pine, juniper forested bottomlands, and hillsides. The Pine River Irrigation District provides agricultural water to much of the area. Historically, the district was almost entirely a ranching/agricultural area. The bottomlands elevation is about 7,000ft, with a growing season suited to hay production. Ranchers wintered livestock in the south of the district and used public land leases for summer pasture expansion. In recent years, some ranches have continued to operate in this manner, but there is a small increasing shift towards alternative agricultural operations. A hog farm produces quality non-chemical pork for local markets, there are ostrich and emu farmers, sheep farmers, hydroponic vegetable producers, and several registered horse breeders.

In the midst of this shift in agricultural production, the beauty of the District has drawn many non-agricultural residents who desire to live in a rural setting. There is one very large residential subdivision, Forest Lakes, which was originally developed to appeal to summer vacation home purchasers, but is now reaching maturity as a year round residential community. Several other smaller subdivisions exist, and numerous small lots created through the minor exempt subdivision process have created small pockets of homesites surrounded by larger, agricultural parcels.

### **Vision: Bayfield Planning District of the Future**

The citizens of the rural areas surrounding Bayfield in La Plata County have a strong sense of place and history, and strongly value the Pine River Valley and scenic areas in which we live. We want to maintain a rural community that includes a diversity of neighbors. As we enter the 21st century we will work together to:

- Preserve the beautiful natural setting, wildlife, and resources while maintaining a sound economic base that emphasizes encouraging and restoring our agricultural foundation;
- Respect the individual rights of people;
- Manage growth in a way that ensures the character of the area, residents' safety, and equity for citizens.

### **Overview of Key Issues:**

Over sixty residents of the Bayfield Planning District participated in a two years process developing this plan. Clearly, these sixty people, about twenty of whom participated in nearly all of the discussions,

could not completely represent the views of the residents of the Bayfield area. However, this core group definitely did represent a cross section of the views, and had as its number one priority developing a plan that would be desired and accepted by the broader community. The group made every attempt to include individuals whose views differed. A survey was published in the *Pine River Times* soliciting citizen views. While the district residents differ on how best to achieve the goals of the plan, the citizens who responded to the survey strongly support a comprehensive land use plan for the area to guide inevitable growth and overwhelmingly desire to see the rural character of the district maintained.

The following is a summary of major issues and strengths identified in the Bayfield Planning District:

### **Issues:**

- **Preserving Our Rural Lifestyle**

Many discussions of this group have centered around the characteristics of a rural way of life. Through the Goals and Objectives created by the Bayfield District Planning Group, a rural lifestyle may be defined by some of the District's natural features. The small town atmosphere where neighbors know and respect each other, the irrigated farmlands, low density in the countryside, lack of commercial development, little traffic, and the beauty of the Pine River Valley all provide a view of what is meant by a rural lifestyle. The Bayfield District Planning Group believes that the rural atmosphere is a defining feature of the area and new development should work to promote this atmosphere. This does not mean that a rural lifestyle is incompatible with development; it simply means that development should take care to retain the features that define rural life. Some proposed ways that may accomplish the preservation of rural lifestyle discussed by the Bayfield District Planning Group include clustering new development on less productive agricultural lands, encouraging conservation easements with positive tax incentives, and locating structures to preserve open meadows, fields, rangeland, or floodplains.

- **Preserving Riparian Areas and the Riverfront**

Riparian habitat is prominent throughout the Bayfield Planning District. Many areas, including the Pine River Valley, have been identified as habitat for mule deer, elk, and other wildlife. The discussions of the Bayfield Planning District Group have noted that scattered development across the District may isolate populations of wildlife and block their migration routes. The Bayfield District Planning Group encourages new development to be created in a manner that preserves wildlife habitat and corridors. Additionally, discussions have centered around the safety problems posed by Highway 160's crossing of wildlife migration corridors. The Bayfield District Planning Group supports working with the Colorado Department of Transportation (CDOT) and the County to develop deer and elk crossing underpasses along Hwy160.

The Pine (Los Piños) riverfront has been identified as an important asset to the Bayfield Planning District. The river not only defines the major geographical feature of the area, the Pine River Valley, but adds to the beauty and sense of rural lifestyle of the District. The Pine River provides

irrigation water to many farms and ranches in the District and allows for recreation activities such as fishing. The desire to protect the riverfront from dense development is well founded due to the potential pollution, erosion, flood hazards and visual impacts that may be caused by such development at the rivers edge. The Pine River serves as a major riparian area, and dense development along its shores may disrupt this habitat.

- **Preserving Agricultural Lands and Open Space**

Given many of the potential conflicts that could be created by a mix of new development in agricultural areas, the Bayfield Planning District Group discussed the need to support local farming and ranching operations. New development as well as outside factors (market prices, weather, economics) have direct impacts on the ability of farmers and ranchers to continue their operations. It is the desire of the Bayfield Planning District Group to promote the historic agricultural uses of the land. In order to help ease the incompatibility of agriculture and residential development, this group supports clustering of denser development in areas where central services currently exist, clustering new development on less productive agricultural lands, encouraging conservation easements for tax incentives, and encouraging the creation of a County program to purchase conservation easements from landowners.

- **Affordable Housing**

With the price of a new home in many parts of the County out of reach for the majority of residents, the Bayfield District and the Town of Bayfield provide many opportunities for housing that is relatively affordable. Lower land prices have allowed new residential developments north of the Town of Bayfield as well as Forest Lakes Subdivision to be developed at a rapid rate. Due to reasonable land prices, it appears that the trend will be for more residential development in the Bayfield District. Areas in and around the Town of Bayfield as well as the Gem Village area are envisioned as supporting higher densities, presumably at a lower cost due to the existence of infrastructure such as central water, central sewer, and good roads.

- **Educating the Public on Agricultural Issues**

There have been conflicts between new non-agricultural landowners and existing agrarian landowners. These conflicts have arisen from the real and perceived differences of each group. Common areas of conflict as seen by existing agricultural operators are:

1. Free roaming pets, particularly dogs;
2. Land not being cared for by new residents, i.e., not controlling weeds, overgrazing small acreage's, failure to appreciate and understand irrigation water systems, etc.;
3. Failure to maintain adjoining fences;
4. Disrespect for private property and privacy, such as fishing without permission, driving on private roads, jogging on private property without permission, leaving gates open, etc.

Many new residents to rural areas do not understand the impacts that new development may have on agricultural operations. Freely roaming dogs impact the weight and health of cattle and wildlife. Failure to control weeds may spread the problem to neighboring lands. However, many of these situations may be avoided if landowners were made aware of these impacts and how they may help to mitigate them. An informational program for landowners to advise them of water/ditch rights, roaming domestic animals, trespassing, and fence laws may help to alleviate these problems.

### **Strengths of the District**

- Rural atmosphere, agricultural lands, open space, visual beauty;
- Good water quality, thriving riparian areas, and abundant wildlife;
- Lack of commercial development, noise, and traffic;
- Outdoor recreation opportunities.

## **3. GOALS, OBJECTIVES, POLICIES AND ACTIONS**

### **RURAL ATMOSPHERE**

1. Goal: Encourage the retention of agricultural lands and open space, rural atmosphere and lifestyle.

**Objective 1.** Retain agricultural lands and open space.

**Action a.** Revise County regulations to:

- (1) Establish an “Agricultural Preservation Subdivision” option for ranchers and farmers;
- (2) Make it easier to add one additional home for a family member or tenant farmer (without actual subdivision of the land) on large agricultural lands;
- (3) Establish a county wide program for purchasing agricultural conservation easements. Develop a funding basis for this program at the county level (sales or other tax) and seek state participation using funds from Great Outdoors Colorado (GOCO);
- (4) Encourage agricultural landowners to donate agricultural, wildlife, and other conservation easements to organizations such as the Colorado Cattlemen’s Association and La Plata County Open Space Conservancy in return for inheritance and other tax benefits;
- (5) Protect stock driveways.

## **HOUSING AND COMMERCIAL DEVELOPMENT**

2. Goal: **Encourage a variety of housing densities and commercial development in appropriate areas.**

**Objective 1.** Cluster housing to ensure open space and encourage retention of agricultural lands.

**Action a.** Ensure that “Agricultural Preservation Subdivisions” utilize those portions of farms and ranches that are less suitable for agricultural production.

**Objective 2.** Require all new development to maintain the aesthetic quality of the land developed and maintain compatibility between adjacent developments.

**Objective 3.** Encourage higher density residential and commercial development in Bayfield and Gem Village.

**Action a.** Create an intergovernmental agreement between the County and the Town of Bayfield for planning purposes that codifies designated commercial and higher density residential areas within the Town of Bayfield and its water and sewage treatment areas.

**Action b.** Restrict commercial development outside of Bayfield and Gem Village to that which is in keeping with the rural characteristics of the area.

**Action c.** In rural areas allow home occupations that generate minimal traffic and do not negatively impact adjacent residents.

## **POLLUTION**

3. Goal: Encourage continued lack of pollution.

**Objective 1.** All goals/objectives in this district should be sensitive to not increasing visual, noise, air, and water pollution.

**Objective 2.** Encourage and protect traditional agricultural uses.

**Objective 3.** Maintain water quality and quantity.

**Objective 4.** Restrict commercial development which adds to air, water, visual, or noise pollution.

## **HIGHWAY 160 CORRIDOR**

4. Goal: Improve visual aspects of the Hwy 160 corridor.

**Objective 1.** Create a beautification plan for the entire corridor.

**Objective 2.** Prohibit commercial billboards.

## **LOS PIÑOS RIVER**

5. Goal: Preserve the riparian areas and the riverfront.

**Objective 1.** Identify a riverfront corridor.

**Objective 2.** Restrict the riverfront from further commercial development.

## **WILDLIFE**

6. Goal: Preserve a harmonious and mutually beneficial relationship between humans (and their domestic animals and crops) and wildlife habitat.

**Objective 1.** Protect the quantity and diversity of wildlife.

**Action a.** Identify and protect migration and movement corridors to prevent islands of wildlife.

**Action b.** Work with Colorado Department of Transportation (CDOT) and the County to develop deer and elk crossing underpasses along Hwy 160.

## **INFRASTRUCTURE**

7. Goal: Support the maintenance of infrastructure.

**Objective 1.** Improve county roads.

**Action a.** Require the County Road & Bridge Department to develop a master plan for future improvements.

**Objective 2.** Allow no more growth than infrastructure will support (growth should pay its own way).

**Action a.** Institute up-front development fees (with provisions for payback of fees to developer).

**Action b.** Ensure the consistency of application/assessment of development fees.

**Objective 3.** Encourage more responsible use of roads (speed, weight).

**Action a.** Increase law enforcement.

**Action b.** Place a phone number to call on SCOR signs.

#### ***IV. DESCRIPTION OF THE PLAN***

The land use plan is based on a vision for the Bayfield District that will evolve over the next ten to twenty years. The following section discusses the land use classifications that are included in the Land Use Classification Map that accompanies the text of this plan. The Land Use Classifications / Descriptions Table contained in Section IV of this Plan also discusses the various land use classifications, compatible land uses, their locations, and the approximate densities, based upon the goals and objectives set forth in the Section II. These are guided further by a desire to maintain compatibility with adjacent and neighboring existing uses. The Bayfield District Plan is intended to guide and complement our current land use regulations, the La Plata County Land Use Code. It must be noted that the residential densities contained within land use classifications are intended to be used for the purpose of calculating overall density for Class II projects, Subdivisions, and Minor Exempt Subdivisions. Minimum lot sizes are determined via the Code and the subdivision requirements contained within. Development proposals must be reviewed for consistency with the Plan's Goals, Objectives, and Land Use Classification Map.

The Bayfield District Planning Group completed extensive discussions regarding allowable commercial uses within the district. Legally permitted, nonconforming<sup>1</sup> commercial uses have the right to reasonably expand on the same lot without a plan amendment in accordance with the La Plata County Land Use Code. This is applicable within all land use classifications in the Bayfield District, assuming that the commercial expansion adheres to the La Plata Land Use Code regulations for expansion.

The *Mixed Use Classification* extending north along CR501 from the intersection of CR501 and Hwy160 to Sossaman Road is of special concern to the Bayfield Planning District. There was a concern that Mixed Use extending any farther north on CR501 than Sossaman Road would eventually

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<sup>1</sup> Nonconforming refers to existing uses that are not substantially in conformance with the Bayfield District Land Use Plan and/or District Land Use Map.



“strip” this road with commercial uses. Therefore, the establishment of new commercial uses north of Sossaman Road are not supported by this plan.<sup>2</sup> The band of Mixed Use on the west side of CR501 applies only to the portions of parcels fronting on and level with the roadway, not to the riverside or riverbottom area. Appropriate setbacks from CR501 for any new structures are necessary to allow for road expansion in the future.

## 2. LAND USE CATEGORIES

### **Mixed Use Area — Commercial/Residential/Light Industrial**

A mixed use area, where residential densities at 6 units per acre, commercial, and some light industrial uses are encouraged to concentrate around existing similar uses, is designated in Gem Village and areas near the Town of Bayfield, including the Dwyer property near the intersection of Hwy160 and CR501. Existing uses include mobile homes, single family residential, propane sales, a taxidermist, equipment sales, convenience store, and other small businesses. Central sewer currently exists throughout much of the area and may be expanded sometime in the future. The potential for central water systems also exists for some of the *Mixed Use* areas. It is anticipated that these areas will continue to evolve toward commercial uses.

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<sup>2</sup> With the exception of a small area of Local Commercial on CR501 west of the entrance to Forest Lakes Subdivision.

The boundary of the mixed use classification is defined by the natural topography and existing land uses. The *Mixed Use Classification* extending north along CR501 from the intersection of CR501 and Hwy160 to Sossaman Road does not extend any farther north than Sossaman Road. Therefore, the establishment of new commercial uses north of Sossaman Road are not supported by this plan.<sup>3</sup> The band of *Mixed Use* on the west side of CR501 applies only to the portions of parcels fronting on and level with the roadway, not to the riverside or riverbottom area. Appropriate setbacks from CR501 for any new structures are necessary to allow for road expansion in the future.

### **Local Commercial**

A small area of *Local Commercial* is identified just west of the entrance to the Forest Lakes subdivision. The *Local Commercial* classification may include small scale establishments that provide goods and services to the local community, such as convenience stores, video stores, gas stations, and small restaurants. The *Local Commercial* designation was chosen for this area due to its central location near Forest Lakes and Vallecito Reservoir. The establishment of *Local Commercial* uses will presumably limit some vehicle trips to the Town of Bayfield for convenience items.

The Land Use Classification Map identifies an area of *Local Commercial* on this site, but it is difficult to predict the precise location on this site where such a use may occur. The location of the *Local Commercial* area on the map may need to be moved in the future. Such a change would be considered consistent with this plan where impacts to adjacent property is properly mitigated.

### **Office/Light Industrial**

*Office/Light Industrial* uses are considered an allowable use within the *Mixed Use* classification also. Some examples of allowable uses include, but are not limited to, light manufacturing, office space, scientific research, warehouses, and storage units.

### **Residential**

Existing and proposed residential development densities vary considerably throughout the District. A variety of residential land use classifications are included in the Plan. It must be noted that the residential densities contained within land use classifications are intended to be used for the purpose of calculating overall density for Class II projects, Subdivisions, and Minor Exempt Subdivisions. Minimum lot sizes are determined via the Land Use Code and the subdivision requirements contained within.

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<sup>3</sup> With the exception of a small area of Local Commercial on CR501 west of the entrance to Forest Lakes Subdivision.

Home occupations are allowable in all residential classifications, providing the use appears to be residential in nature and the impacts are minimal, such as no outside storage, minimal signage and lighting, and minimal traffic generation.

Within all residential classifications, it is the responsibility of the property owner to properly fence out grazing livestock, etc. from entering their private land, per state and county law. The La Plata County Land Use Code states, "Where a residential subdivision is located adjacent to agricultural lands, state the following:

Notice: Colorado is a fence law state. Owners of property shall be required to fence livestock out in order to recover damages for trespassing livestock. C.R.S. § 35-46-101, ET SEQ.

### **Suburban Density Residential**

Lands in this category are classified with a maximum density of two units per acre, contingent upon the ability to meet subdivision standards contained in the Land Use Code (including, water, sewer, and access requirements) Within this classification *Suburban Density Residential* areas include existing residential subdivisions as well as room for expansions at comparable densities, where water and/or sewer services may be available and can be extended. Areas designated as Suburban Density Residential include areas near the Town of Bayfield, along Business Hwy160 and some areas on CR501 north of Bayfield.

### **Large Lot Residential**

The density range envisioned for this classification is 1 unit per 3 to 10 acres. Development densities within this range are determined through utilization of the Plan's public benefit criteria. Generally, existing subdivided land within the 1 unit per 3 to 10 acre density has been classified as *Large Lot Residential*. No new areas of *Large Lot Residential* have been proposed within the Plan.

### **Perimeter Residential**

This category is intended to provide slightly higher densities than the *Agricultural/Residential* category to currently mixed residential and rural areas that are in closer proximity to the designated service area of the Town of Bayfield or within areas of similar density development. The *Perimeter Residential* classification density is at 1 unit per 5 to 35 acres. Development densities within this range are determined through utilization of the Plan's public benefit criteria. Minimum lot sizes are determined via the Land Use Code and the subdivision requirements contained within.

Given the importance of maintenance of agriculture to the Bayfield District, agriculturally related businesses are considered an allowable use within this classification. Examples of Agri-Business include, but are not limited to, agricultural supply, farmers' markets, agricultural seed sales, meat processing facilities, and other facilities related to the production and processing of food.

### **Agricultural/Residential**

The majority of unsubdivided private lands within the District have been classified as *Agricultural/Residential*. The overall development densities envisioned under this classification are 1 unit per 10 to 35 acres. Development densities within this range are determined through utilization of the Plan's public benefit criteria. Minimum lot sizes are determined via the Land Use Code and the subdivision requirements contained within.

The *Agricultural/Residential Density* designation is prescribed to preserve, insofar as possible, agricultural production and ensure development that maintains a rural character. Given the importance of the maintenance of agriculture to the Bayfield District, agriculturally related businesses are considered an allowable use within this classification. Examples of Agri-Business include, but are not limited to, agricultural supply, farmers' markets, agricultural seed sales, meat processing facilities, and other facilities related to the production and processing of food.

The Agricultural/Residential Density designation on the Land Use Classification Map also indicates areas in which the cluster development is encouraged, and credit for higher densities, within the prescribed range, is given for clustering.

Areas where residential clusters are discouraged include:

- on prime agricultural land,
- in locations or layouts that would compromise irrigation systems for agricultural lands,
- in floodplains, drainage ways, and riverbanks,
- on ridgetops, steep open hillsides, and open meadows that are highly visible from major roadways.

In addition, major physical features are recommended for preservation such as; the Pine River corridor, other significant drainage ways, steep slopes, and prominent ridgelines.

### **Affordable Housing Classification**

In an attempt to achieve the Bayfield District's goal to encourage a variety of housing densities, this classification was created. This classification is an overlay category for all residential classifications in the District. In addition to a project's base density determined by the District Land Use Plan, District Land Use Classification Map and/or Public Benefit Criteria, a 10 percent density bonus will be given to residential projects that meet the definition of affordable housing within Section 1.8.19 of the La Plata County Land Use Code.<sup>4</sup>

### **Critical Lands**

This classification is an overlay category which identifies areas that possess significant constraints to development. This category encompasses lands with slopes over 30%, lands possessing landslides and unstable slope hazards<sup>5</sup>, lands within 100 year flood plains, and wetlands<sup>6</sup>.

The base density for lands in this category is 1 unit per 35 acres. If *Critical Lands* within a proposed development are protected and permanent development exclusions or dedicated open space, such as conservation easements, are established, a density bonus may be granted to transfer development to more suitable portions of a project. Such density bonuses should not exceed 1 unit per 17.5 acres of critical lands; e.g., if *Critical Lands* are protected, allowable densities are 1 unit per 17.5 acres versus 1 unit per 35 acres if *Critical Lands* are developed.

The Land Use Classification Map identifies the general location of some of the District's *Critical Lands*. In most cases, however, site specific studies must be conducted to determine the location and extent of these lands. The Land Use Classification Map identifies the general location of Slopes over 30%, and lands classified as Landslides and Unstable Slopes. Flood plains and wetlands are not currently designated on the Land Use Classification Map.

### **Agricultural / Timber / Recreational / Wildlife**

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<sup>4</sup> This "overlay" affordable housing classification would not become operational until the County creates or designates an organization to qualify homebuyers or renters as meeting the income requirements for such housing. In addition, the County must create a mechanism to track the resale value of the affordable housing to ensure that it is available to other qualified applicants in the future and that the property is not purchased for speculative reasons.

<sup>5</sup> The location of landslides and unstable slopes was determined using the County's Geologic Hazard Maps, 1976.

<sup>6</sup> Wetlands are those areas as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical

Lands within this category are primarily used for agricultural, recreational, timber harvesting purposes, and wildlife habitat. This land use designation recognizes these uses. A public lands overlay has been assigned to properties in this classification that are under public ownership. Public lands, whether currently being used for agriculture/timbering/recreation/wildlife or having no specific designated use are assigned an underlying residential density of one unit per 35 acres. That is not to say that this designation is in any way a permanent open space designation. However, this will give the community, and the County, maximum flexibility if a land exchange or another land use is proposed for this public land in the future.

### **Scenic Corridor**

Open lands visible from county roads with specific scenic qualities such as views to distant mountain peaks, large open vistas, views of river corridors, etc. Special attention to the maintenance of scenic qualities within the *Scenic Corridors* is encouraged.

### **Public and Community Facilities**

This land use classification identifies public and community facilities. Bayfield High School, Bayfield Cemetery, and the La Plata County Transfer Station are included in this designation. It is difficult to predict the exact location of future Public and Community Facilities, therefore, these facilities may be considered at locations throughout the district.

### **Tribal lands**

Trust and allotted lands owned by the Southern Ute Tribe or its members are identified on the Land Use Classification Map. Land use planning on these lands is done by the tribe.

5. LAND USE CLASSIFICATIONS / DESCRIPTIONS

Land Use	Resid. Density / Size Restrictions	Description
<b>Agricultural/Timber/Public Recreation</b>	1 unit per 35 acres minimum	Public land that is used primarily for agricultural, forestry or land/water recreation uses. Public lands transferred to private ownership will retain a maximum density of 1 unit per 35 acre.
<b>Suburban Density Residential</b>	1 unit per ½ -3 acres <sup>7</sup>	Lots less than 1 acre in size require <i>both</i> central water and sewer, lots from 1 to 3 acres require <i>either</i> central water or central sewer.
<b>Large Lot Residential</b>	1 unit per 3-10 acres <sup>8</sup>	Private land that can be developed at a density of 1 unit per 3 to 10 acres determined through the application of the Public Benefit Criteria. Will typically be served by wells and septic systems.
<b>Mixed Use</b>          <b>Agriculture/Residential</b>	6 units per acre          1 unit per 10-35 acres	A transition area that contains a mix of residential and commercial development, including overnight accommodations. Some examples of allowable uses include: single family, multi-family, mobile home parks, light industrial, retail establishments, and other commercial uses.          Private land that can be developed at a density of 1 unit per 10 to 35 acres, determined through the application of the Public Benefit Criteria. Will typically be served by individual wells and septic system. Agriculturally related businesses are allowed within the <i>Agriculture/Residential Classification</i> . Examples of Agriculturally related

<sup>7</sup> Density contingent upon compliance with County Subdivision regulations and Land Use Code criteria.

<sup>8</sup> Density within given range is determined by Public Benefit Criteria. Proponent is encouraged to cluster density on smaller lots, creating permanent open space. Minimum lot size is determined by the Land Use Code and the subdivision requirements contained therein.

Land Use	Resid. Density / Size Restrictions	Description
<b>Perimeter Residential</b>	1 unit per 5-35 acres	<p>business include, but are not limited to, agricultural supply, farmers' markets, agricultural seed sales, meat processing facilities, and other facilities related to the production &amp; processing of food.<sup>9</sup></p> <p>Private land that can be developed at a density of 1 unit per 5 to 35 acres, determined through the application of the Public Benefit Criteria. Will typically be served by individual wells and septic system. Agriculturally related businesses are allowed within the <i>Perimeter Residential Classification</i>. Examples of Agriculturally related business include, but are not limited to, agricultural supply, farmers' markets, agricultural seed sales, meat processing facilities, and other facilities related to the production &amp; processing of food.<sup>10</sup></p>
<b>Affordable Housing</b>	10% Density Bonus	<p>This overlay category applies to all residential classifications. A 10 percent density bonus is provided to projects that meet the requirements for affordable housing as defined in Section 1.8.19 of the La Plata County Land Code.<sup>11</sup> This density bonus is also contingent upon the project's ability to meet all the applicable requirements of the Land Use Code for sewer, water, access, etc.</p>
<b>Office/Light Industrial</b>	n/a	<p>Manufacturing plants and other similar businesses that produce lower levels of noise, odor, etc. than Industrial uses. Commercial, Office, and Light Industrial uses include, but are not limited to, warehouses, storage units, light manufacturing &amp; assembly, scientific research, etc. (e.g., Bodo Park).</p>
<b>Local Commercial</b>	Variable	<p>Small-scale commercial development (not malls or</p>

<sup>9</sup> Certain facilities are contingent upon approval of a Class II land use permit.

<sup>10</sup> Certain facilities are contingent upon approval of a Class II land use permit.

<sup>11</sup> This "overlay" affordable housing classification would not become operational until the County creates or designates an organization to qualify homebuyers or renters as meeting the income requirements for such housing. In addition, the County must create a mechanism to track the resale value of the affordable housing to ensure that it is available to other qualified applicants in the future and that the property is not purchased for speculative reasons.



Land Use	Resid. Density / Size Restrictions	Description
<b>Critical Lands<sup>12</sup></b>	<p>according underlying res. Densities</p> <p>1 unit per 35 acres</p>	<p>large establishments) providing goods and services primarily oriented to the needs of the local and tourist community (<i>e.g.</i>, convenience stores, hair salons, video stores, liquor stores, restaurants, and gas stations). May include 2nd floor residential units (over the shops), or bed-and-breakfast type lodging.</p> <p>Land with steep slopes (over 30%), landslides, unstable slopes, wetlands, and 100 yr. flood plains. If density is transferred to non-critical lands, a density bonus of 1 unit per 35 acres will be granted (Maximum Bonus = a total of 2 units for each 35 acres of critical land that is left permanently undeveloped).</p>
<b>Public and Community Facilities</b>	Per Code	<p>Public and quasi-public uses, such as schools, fire stations, government facilities, cemeteries, hospitals and churches, trail heads, recreation facilities. Locations for these facilities may be considered throughout the District.</p> <p>Trust and allotted lands owned by the Southern Ute Tribe or Ute Mountain Ute Tribe and/or its members. Land use planning on these lands is done by the individual tribe.</p>
<b>Tribal Lands</b>	n/a	
<b>Scenic Corridor</b>	n/a	<p>Open Lands visible from county roads with specific scenic qualities as defined by the district. Special attention to the maintenance of scenic qualities is encouraged.</p>

## 6. PUBLIC BENEFIT CRITERIA

In order to determine the allowable density for a project within the *Agriculture/Residential (1 unit per 10 to 35 acres)*, *Perimeter Residential (1 unit per 5 to 35 acres)*, and *Large Lot Residential (1 unit per 3 to 10 acres)* land use classifications, the Public Benefit Criteria has been created. In order to make an objective determination of where a specific project falls within a given density range, that density will be based on the following criteria and percentages.

<sup>12</sup> Critical Land designation only applies to unsubdivided land. Environmental conditions on subdivided land are regulated through the approved subdivision plan and Land Use Code. Critical Land designation on Land Use map only partially or generally portrays the Critical Land constraint area. Specific analysis may be required to refine location of Critical Land boundary.

- 30% Clustering to preserve contiguous dedicated open land, especially on less productive agricultural land. This dedicated open land may be owned by a single entity or multiple entities with undivided interests, or overlain by a conservation easement. (A minimum of 50% of site must remain open, with the homes clustered on the remaining 50%)
- 20% Locate structures to preserve open meadows/fields/rangeland; locate structures in or against trees, if present, and not within floodplains.
- 20% Preservation of designated wildlife corridors and habitats.
- 20% Structures not located on ridgelines<sup>13</sup> or within view corridors<sup>14</sup> as seen from public roads.
- 10% Granting of easements for trails for public use and/or access to public lands.

Full compliance with all of the above would result in granting of 100% of the density range. For example, if the range is 1 unit per 10 - 35 acres, and all of the criteria were fully met, the project would qualify for a density of 1 unit per 10 acres. If only the first three criteria were met (20% + 20% + 20% = 60%) the project would qualify for only 60% of that density range, or 1 unit per 20 acres.

If the site does not reasonably allow for compliance with any portions of the PBC, credit for that percentage is automatically granted. For example, if a site has no ridgelines, the project would automatically receive the 20% for avoiding ridgelines.

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<sup>13</sup> A "ridge" is a long narrow, conspicuous elevation of land; a "hilltop" means a knoll or small hill.

<sup>14</sup> A view corridor is defined as an area seen from public roads, that contains scenic qualities, such as views to distant mountain peaks, large open vistas, views of river corridors, etc. The areas along Hwy. 160 and CR501 fall into this category.