

Summary of Initial Stakeholder Meetings

Date: November 21, 2016

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Introduction

On Wednesday, November 9th and Thursday, November 10th, Kendig Keast Collaborative, in coordination with key La Plata County staff members, held a series of “listening sessions” to invite face-to-face responses in order to identify the key land use and regulatory issues currently facing the County. These sessions were broken into five different groups in order to determine the key issues that affect each stakeholder group. These groups and the corresponding dates and times of the meetings are shown in the table below.

Date/Time	Stakeholder Group
11/9 6:00 PM	Agricultural Interests
11/9 7:00 PM	Community Associations
11/10 8:30 AM	Businesses
11/10 9:30 AM	Code Users
11/10 10:30 AM	Community Interests

Critical to the process of creating new code provisions is to understand the key themes that exist within different segments of the population in order to create a code that works for everyone’s interest. This summary is designed to be used as a guide and a first step for the County to understand what key issues must be adequately addressed in the code rewrite. For each stakeholder group there is a recordation of the comments made that is in a format that conveys each speaker’s points of emphasis. While these are not direct quotes from the sessions, they highlight the key issues that each speaker was conveying. At the end of each section is a list of themes to be derived from each stakeholder session.

Agricultural

Comments Received

- There was a great deal of effort that was put into the previous failed attempts to create the Comprehensive Plan and the County Code. It seems illogical to reinvent the wheel. Please make sure that the previous work efforts are reviewed.
- Not everyone uses computers in this county. Please make sure that these people can also participate in the process.

- There needs to be more outreach for this process and the comprehensive plan.
- There is a general fatigue that exists because of the previous failed attempts at a Comprehensive Plan and code.
- At the conclusion of the last code development process, there were a lot of people at the adoption meeting who did not participate during the stakeholder meetings. Getting these people involved is a challenge.
- The agricultural element and story needs to be described well in both the planning and regulatory documents because we are always trying to educate people about agricultural concerns.
- Opportunities exist to strengthen the “Right to Farm,” similar to what Weld County has done. The right to ranch and hunt is part of the “Right to Farm.”
- The greatest challenge to agricultural interests in the County is the urbanization of agricultural land. Many people think the irrigation ditches are amenities and do not want to see them dredged or properly maintained for agricultural purposes.
- When land is subdivided, easement rights are often neglected. The County should do more to enforce these standards. We (as farmers) need to protect the ditches because maintaining them is important in order to continue growing crops. The ditch law says that these easements should be “as wide as they need to be.”
- The County’s regulations that exist on the types of crops that can be planted and the hours of operation should be reviewed and reconsidered.
- The County formerly had a brochure that they used to help educate people on ditch easements. This should be distributed again.
- There are so many setbacks that they substantially reduce the usable acreage.
- With the increase in population, water has become a significant issue. The carrying capacity of the land needs to be looked at because there may not be enough water for the expected population increase. On the mesa, the use of sprinklers and pipes is expanding and the aquifer is not being recharged. Many wells are going dry. How are we going to supply water for the expected population increase?
- The County needs to consider using a Site Suitability Analysis so that developments that are built have the necessary water and other adequate facilities.
- A large portion of the County is in a water critical area. Many wells are going dry and irrigation methods are not being used.
- There is the possibility of getting a water system in the more remote parts of the county. There is an agreement that has been created pertaining to the water that is coming out of the Animas.
- In Montezuma County there are water systems that go all over the county; however, this County has never really gotten involved in water distribution.
- At some point in the future there is going to be a lawsuit between the states of Colorado and New Mexico on the issue of water. Water rights need to be fully studied.
- Growth. Does it have to happen? The assumption is that we have to accommodate growth, but the planning process should take into account how many people the County can handle.
- This process is going to be emotional because people are passionate about their home. Most people are also worried about sudden changes. People want to limit growth by limiting it in their own subdivision or area.
- There are a lot of conservation easements that will effectively make large-scale water distribution projects difficult due to restrictions of crossing such easements with utilities. The county might need to do a condemnation of these easements for some areas.

- Hundreds of beekeepers in the County need to be protected because they are regrowing the bee population. Some restrictive covenants directly state that you can't have them. Education about the importance of bees to our community needs to be discussed.
- Open space is a byproduct of agriculture yet open space is not always public space. We have problems with vandalization, habitat destruction, and snowmobiling on private property.
- There are a significant number of dogs that run lose which kill sheep and livestock.

Key Themes / Concerns

- Water Availability and Distribution
- Agricultural Preservation and Conservation of Resources and Open Space
- Urbanization around designated growth centers in the County

Community Associations

Comments Received

- People need some sort of land use or zoning map so that they know what they are buying and what they can get.
- We have springs that are going dry (e.g. Marvel Springs). Getting water to these areas is critically important. With water will come development.
- We need to come up with a code that respects landowners and also considers the surrounding area.
- The District Plans need to be used because some districts, such as the Fort Lewis Mesa District, have different needs than the other districts. It is important to recognize that with the new water system coming to Fort Lewis Mesa that there will be growth.
- Water maps are important to analyze because water is so important.
- The lack of water restricts development. There needs to be a plan for water.
- The Joint Planning Commission is important to make sure that the City of Durango and La Plata County are working together and that standards do not conflict within the joint planning area. The City is committed to reassessing the boundaries of the Joint Planning Commission.
- The City is concerned about growth around the County that impacts the City. Having a better understanding of where development will occur will help the City plan.
- We need to consider the concept of development clustering.

Key Themes / Concerns

- Water Availability
- District Planning and Implementation
- City / County Coordination (in order to plan for areas that may eventually become part of a municipal government)

Businesses

Comments Received

- The Gallagher Amendment, which is state law, has slashed tax on residential land and has created a system that has caused uneven development. Every other type of property is taxed at a much higher rate than is residential so this promotes residential development and makes it difficult to keep farms open and develop manufacturing operations. The County needs to recognize this imbalance and make adjustments to address the problem. Industry in our county is being pushed aside for residential properties.
- The current code is very unpredictable. You have to get pretty far into the process before you know if your permit will or will not be approved. There needs to be more certainty in the code so that a bunch of money is not spent only to find out that the project is not feasible.
- It takes too long to get through the County's development process.
- There needs to be transparency in where development can happen, how much it will cost, how long it will take, and what is necessary from the neighbor's and the government's perspective. The current code too costly because the average person cannot put an 11 month investment down in order to make it through the process.
- The county requirements to improve infrastructure make many projects completely infeasible. There have been projects that even if the land had been free; the development would still financially infeasible because of the cost of the infrastructure improvements that were needed. The code needs to be created so that the community as a whole invests in the improvements rather than an individual applicant supporting the infrastructure development.
- There are subdivisions that do not have turn lanes with 200 homes yet the code now requires that businesses put in turn lanes regardless of the number of trips per day coming to that business.
- Some of the county roads are deficient; however, the roads should be developed to a county standard and not a city standard.
- The code should not hinder small businesses and allow them to grow with an inordinate amount of process or costs.
- The development of land for industrial business is almost impossible because of the road improvement standards that are required.

Key Themes / Concerns

- Revising the County's road improvement standards to coordinate with demand and level of service
- Unpredictability of the current code
- Procedural streamlining (the amount of time, effort, and money it takes to get through the existing process)

Code Users

Comments Received

- There is no predictability in the code to determine if the project is likely to be approved. The issue is not with the substance of the code, but the procedures.
- There is a problem with length of time required by reviewing agencies. There should be a defined comment period and if nothing is submitted in that timeframe then the process needs to move forward.
- We need a “top-down” approach and not a “bottom-up” approach. The County needs to clearly state what its goals are for this project. There needs to be “top-down” guidance so that the community understands that our leaders are in support of a code that wants economic development.
- The former comprehensive plan and code that failed were written in an attempt to restrict landowners and to regulate.
- We currently have a code that is working against us.
- The code needs not to be used as a restrictive document, but rather an attempt to create economic development.
- The code needs to allow for creativity in projects and to be more flexible.
- Attorneys are necessary to assess risk for big projects and/or controversial projects. However, for a variety of different reasons, there is a lot of attorney review in our current system which slows down the process and makes it more expensive.
- The code needs to be written so that the planning staff has the ability to do their job without frequently needing an attorney’s assistance.
- The new code should be very clear about the administrative role of the different parties in this process, such as the Attorney’s Office, Planning Department, etc. The code needs to be clearer about who does what in our system.
- The average citizen cannot get through the process. They have to hire professional assistance such as planners and/or attorneys and which makes their project much more expensive.
- There needs to be a separate section on Grandfathered Uses so that a code user can understand what the rules are for these and so that they can be defined.
- Road impact fees need to be included in the code to enhance predictability in the process.
- The current code’s required road improvements are not reasonable because a small project cannot carry the weight of a large amount of infrastructure.
- The terminology Class II needs to be removed from the code.
- The code needs to encourage walkability in the unincorporated areas of the County that really function like a municipality.
- There are unincorporated areas where mixed use development and neighborhood commercial properties should be encouraged.
- The outlying areas of the County are influencing the County’s approach to areas that are ideal for commercial development. Zoned areas of the county allow for predictability. The same exact development standards should not be used for remote areas as the areas that are urbanizing.
- County maps should highlight the location and availability of infrastructure and utilities.
- Dealing with the metro districts in the code is critically important.



- Treatment and distribution of water is a major issue. There is currently not enough quantity of water. The water district has to go through a lengthy process to put any pipe in the ground and it is very prohibitive to meeting the increasing water demand.
- When a county permit is obtained and a master plan is approved for a development site, this should be enough to put down pipelines.
- The County needs to be more concerned about the time and money that a developer puts into a project.
- The County should consider using standards that are required by state law and any additional standards would be recommended and not required.
- The County should release a written statement clarifying what this project is trying to achieve. There are some places within the County where zoning should be implemented but not everywhere. Zoning should be based on adopted uses and the district plans. There should then be a discussion about what zone is available for a specific area based on the application of standards, which should be based on intensity of use.
- Ease of use and the speed of the process are critically important to the new code. Issues and concerns about development applications need to come up early in the process instead of the end of the process when someone has already spent their energy, time, and money on a project.
- The new code should be clear, consistent, cost effective, and allow for the ability to be creative.
- The use of a preliminary sketch plan process is something the County should consider.
- Non-conforming uses need to be identified in order to make sure that these issues do not occur in the future.
- Seasonal use permits are needed. With the amount of tourism that this county gets and how it changes per the season, this is something that needs to be in the code.
- The new code needs to be more simplistic so that the Planning Commission does not have to hold four meetings per month.

Key Themes / Concerns

- Clarity from County leadership on the goals of this project
- Unpredictability of the current code
- Procedural streamlining (the amount of time, effort, and money it takes to get through the existing process)

Community Interests

Comments Received

- There were some big consensus points that were reached during the last attempt at creating a code. These were managing growth, open space, and views. These consensus points still exist and need to be incorporated into the new code.
- The challenge with this process is creating a product that protects everyone's interests.
- The code needs to manage the things that make the county special while making sure that everyone understands the need for this project.
- There was so much social capital that was put into the last attempt at a code that our community is very skeptical about entering into this process again.



- The planning documents and the new code need to work with conservation easements, the land trusts, and the conservation easement holders. The County and the land trust should be collaborative partners in the process. The current code does not connect with the commitment that is made by a current conservation easement holder.
- The use of analytic tools and models is something that should be considered with drafting the new code. These would be great to use in order to determine important issues such as a property's carrying capacity or a new development's impact on the road infrastructure. Then the County would know when a threshold has been reached for certain items such as growth and traffic.
- Citizens are spending large amounts of money on housing without getting value. Increasing density is not going to fix everything. High development standards are a barrier to affordable housing. An entry level single family house in Durango starts at around \$350,000. This is financially infeasible for so many people.
- In the West and Southeastern parts of the County there is a lot of appreciation for small agriculture rather than large operations. However, property owners in these areas of the County are starting to see high-end operations move in. There are tensions in the agricultural community because the County applies the same standard for small land owners as they do large operations. The lot sizes for the local and high-end agricultural operations can often be very similar; however, the local operation tends to be much more of a mixed operation where the high-end industry is geared to one or two types of crops. The local agriculture business is also getting mixed in with residential properties.
- Parcel sizes in the County are becoming smaller while the size of the buildings on the lot is getting bigger.
- This area of the state has an environment, culture, and specialness that need to be maintained. I know that growth has to occur on some level, but we need to understand the carrying capacity of the land.
- There are factors out of our control and we should just accept that we are going to grow. However, we need to have good growth with incentives and open space considerations. We have to try to preserve.
- Bicycling is very popular here and we need a code that develops infrastructure for people who choose to use the bicycle as both a form of recreation and transportation.
- I love the idea of rural set asides for large projects.

Key Themes / Concerns

- Open Space Conservation and Preservation
- Managing Growth
- Inclusive code development process to ensure all interests are heard and taken into consideration