

CHAPTER 3: LAND USE

Overview

The *Land Use Element* of the comprehensive plan focuses on the County's land use system and how it shapes the development pattern of the County. While other plan elements such as transportation, housing, and environmental resources are also critical to land use, they are addressed separately, in subsequent chapters. This plan element will focus its attention on the following issues:

- **Urban Growth Areas**
- **District Land Use Plans**
- **Land Use Code**
- **Other Land Use Considerations**

The district land use plans, created in the mid 1990s, establish the framework from which land use and density determinations are made in most of the County. This plan element is intended to provide clarity to those plans by removing ambiguities, and adding detail where needed.

Key Point: *The Land Use Element is intended to uphold the visions and goals of the district land use plans while guiding future growth in the County.*

Background

The implications of growth are far reaching. During the 1990's increased costs for the provision of County services were offset in large part by revenues from gas production. However, with gas production expected to decrease in the coming decades, taxing entities throughout the County will be faced with the challenge of finding new sources of revenue to supplement declining gas revenues in order to meet level of service expectations. While new development will provide some relief in this area, it is widely held that development does not pay it own way relative to the service demands it creates. New development has significant implications that can be grouped into two categories – impacts and demands.

Growth can *impact* the physical environment in many ways. These impacts can sometimes be subjective and difficult to measure. Moreover, many of the physical impacts are cumulative in nature – that is, they are not attributable to any one specific development, but result from numerous developments.

Examples of the Physical Impacts of Development Can Include:

- Visual impacts such as the disruption of views, scarring of hillsides, obtrusive road cuts, and unsightly grading;
- Destruction and fragmentation of wildlife habitat;
- Traffic congestion and accelerated road deterioration;
- Increased erosion and runoff;

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- Pollution – noise, light, water and air;
- Negative impacts on ground water aquifers;
- Proliferation of individual septic disposal systems; and
- Loss of productive agricultural land

Growth also creates *demands* for new, improved or expanded services. Historically, the demand for services in the unincorporated areas of the County has been relatively low, and the County's role in providing services has been limited to such things as:

- Construction and Maintenance of County Roads
- Sheriff/Jail/Search and Rescue, Emergency Preparedness Planning
- Social Services
- Animal Control
- Fairgrounds Operations

As the population of the rural County grows, land that was once in rural and agricultural uses, and requiring minimal services, is converted to higher-density, non-agricultural uses that create higher service demands on the County. The demand for services traditionally provided outside the County governments purview also grows-- fire protection, emergency medical services, schools, and parks and recreation. As these demands increase, so does the public pressure to ensure that expectations are met.

Key Point: *The challenge is to adequately and cost-effectively meet new service demands while not disproportionately placing the cost associated with new development on existing residents.*

Minimizing the physical impacts of growth while also ensuring that the service expectation of the citizenry are met within the resources available is the essence of proper growth management. It does not mean stopping growth but establishing sound management strategies that can allow the County to grow while maintaining and enhancing its economic base, and protecting its unique character.

Key Point: *The qualities and character that make the County unique, and economically stable, must be maintained as new development is accommodated.*

Land Use Goals

Goal 3.1: **To accommodate a growing population through the fair and consistent administration of a land use system that provides clear direction for private and public land use.**

Goal 3.2: **To uphold the visions and goals established within each of the district land use plans.**

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Goal 3.3: To periodically reevaluate and refine the district land use plans.

Goal 3.4: To support Bayfield, Durango, and Ignacio in their efforts to expand commercial and residential development, and employment opportunities.

Goal 3.5: To encourage growth hubs in the County that would provide opportunities for higher-density commercial and residential development, and employment centers.

Goal 3.6: To support efforts to extend central services to growth hubs and other areas envisioned for higher densities in the district plans.

Goal 3.7: To support efforts to create a rural water system to serve areas consistent with the district plans.

Goal 3.8: To encourage the preservation of contiguous open lands in La Plata County

URBAN GROWTH AREAS

Due to a lack of central water or sewer service in most of the unincorporated County, there are only a few places where development can occur at urban densities, that is, a density higher than one unit per 3 acres. These urban growth areas include much of the joint planning areas around Bayfield, Durango and Ignacio; as well as several residential developments scattered throughout the County. Following is a discussion of existing urban service areas as well as future potential urban growth areas.

Joint Planning Areas

Development regulated by La Plata County is often times proposed near the borders of Bayfield, Durango and Ignacio. These communities have their own comprehensive plans which outline the type and intensity of development that should occur within their urban growth areas. As shown on the diagrams on the following page, the urban growth areas around each community (diagonal lines) include land that is not located within the corporate limits of the community (solid grey) but on adjacent lands that are likely to be served by central services in the future and, at some point, likely annexed into the community. These areas tend to change with revisions to a community's comprehensive plan.

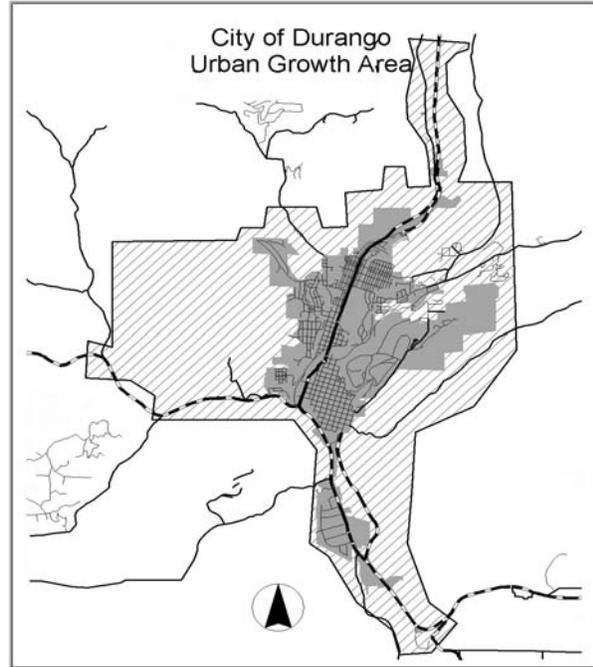
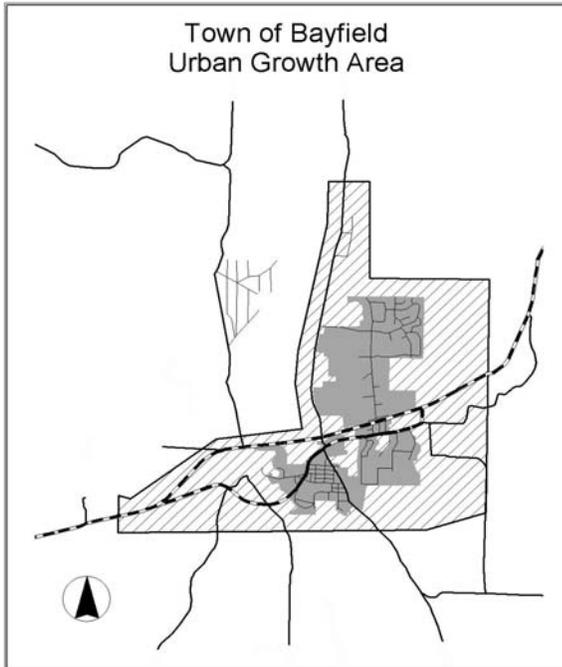
In order for a property to be annexed a number of criteria must be met including one-sixth contiguity between the parcel to be annexed and the annexing community, as well as property owner consent. As a result, the timing on an annexation can sometimes be uncertain. It is therefore important that there is good coordination between the County and each of the respective communities at the time a development is proposed so that an appropriate analysis of the proposal can be undertaken and the

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goals of each community can be met.

A few of the issues to consider include:

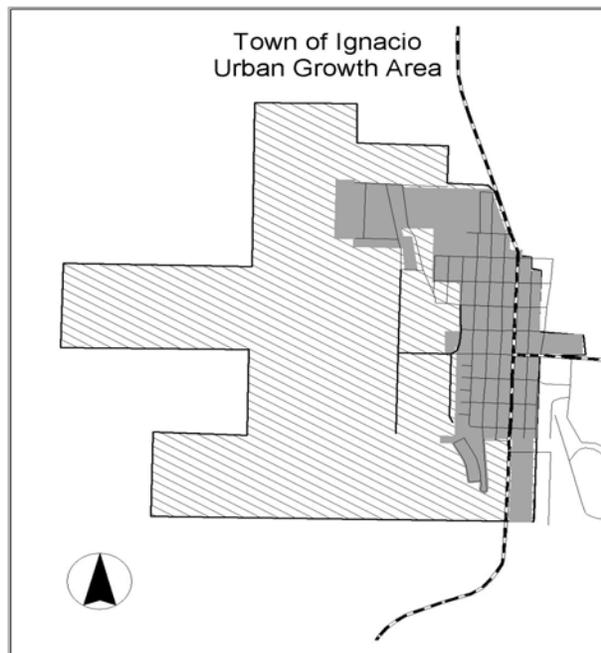
- Is the property eligible for annexation? If so, the development proposal should be processed by the community rather than the County; If not, is the development proposal consistent with the



community's plan?

- What urban services can be provided to the property?
- What engineering and development standards are appropriate given its location—urban or rural?, County or municipal?

Some lands within the joint planning areas may not be eligible for annexation or may not be served by central services for a number of years. In these cases, it is important that there is consistency between the County's plan and that of the local community with regard to preferred land use types and densities. This will ensure that development administered by the County in these outlying areas does not interfere with the preferred future development pattern of the community.



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Key Point: Overlapping areas of influence near Bayfield, Durango and Ignacio should be clearly defined and conflicting issues and processes should be resolved and agreed upon via joint planning efforts and intergovernmental agreements.

As of 2001, only the City of Durango had a formal Joint Planning Agreement with La Plata County. While discussions had been initiated with both Bayfield and Ignacio, no formal agreements have been established.

Other Urban Service Areas

In areas of the County where central water and sewer services are available, these services are provided by entities such as local municipalities, metropolitan districts, private companies, homeowner associations, and, in some cases, the Southern Utes. The map to the right shows the general location of major central service areas in the County.

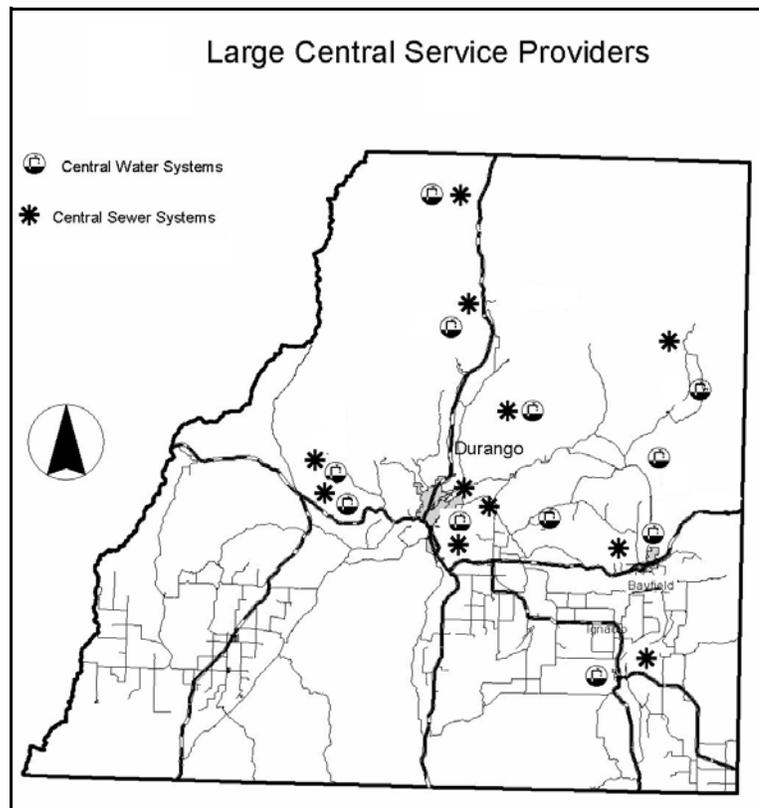
These systems tend to serve smaller developments scattered throughout the County. Efforts to bring a large-scale rural water system to the southeastern part of the County have been underway since the mid 1990's. If established, this system would provide residents with a safe and consistent source of central water. Such efforts should be supported by the County.

Assuming such a system is eventually established, cooperation and coordination with the service providers will be critical to effectively upholding and implementing the district land use plans.

Key Point: Coordination between service providers and the County should be established and/or strengthened to ensure that the County district land use plans are adhered to during the provision or expansion of central services.

Growth Hubs

The development of a rural water system and the addition of central sewer systems in outlying parts of the County would provide opportunities for higher-density development to occur than has been possible using individual on-site systems. While *it is not the intention of this plan to encourage the proliferation of unplanned and scattered high-density development in outlying parts*



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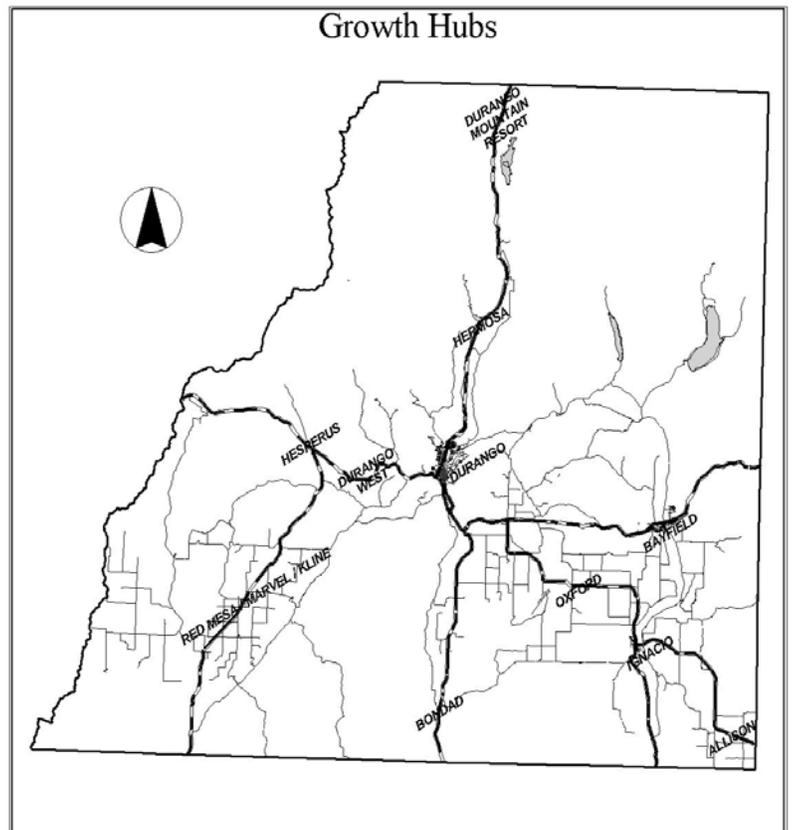
of the County, the provision of central water and sewer to key growth hubs could create opportunities to modestly decentralize the County. The growth hubs would essentially be higher-density developments having a mix of uses including such things as residential, commercial, employment, and civic opportunities.

As of 2001, the City of Durango was relied upon as the main source of jobs, goods and services in the County. The adjacent map depicts several potential growth hubs in the County based upon their historical land uses, higher densities, and in some cases, large number of platted lots already found in the area. This map is not meant to be all-inclusive. Additional study would be required to determine if these area, or others, would be appropriate growth hubs.

Key Point: The growth hub concept is not intended to encourage the proliferation of unplanned and scattered high-density development in outlying parts of the County but to allow for strategically located growth areas.

The reliance on the City of Durango as the primary center of commerce results in daily vehicular traffic patterns that overburden the major arterial roadways during peak periods. It forces County residents to drive significant distances in order to address even the most basic needs for goods and service. By encouraging the improvement or creation of strategically located growth hubs, this reliance on Durango can be lessened.

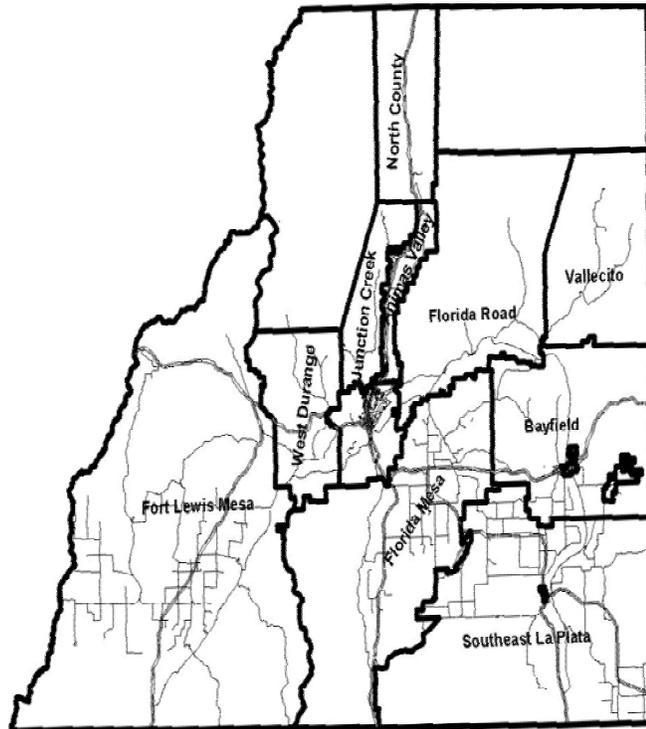
Key Point: The strengthening of growth hubs in the County, including Bayfield and Ignacio, will help to lessen the reliance on the City of Durango as the primary source of employment opportunities, goods and services in the County.



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Planning Districts

It is recognized that the County plays a limited role in the provision of central services, and that it may be some time before central services are available to some of these areas. As such, rather than limiting new development in the unincorporated growth hubs until such time that the central services are available, development should be allowed to occur, but at rural densities. However, project proponents should recognize the potential for additional on-site development in the future as services become available, and incorporate that potential for additional density into their initial site design.



Key Point: *Project proponents should recognize the potential for additional on-site development as services become available and design their initial site plan accordingly.*

When services do become available, the growth hubs could serve as “receiving zones” for transferred development rights (TDRs). Establishing the growth hubs as receiving zones would allow for the transferring of likely future development from the outlying rural areas to these higher-density areas. This would provide the County with an additional mechanism for helping to maintain the rural character and agricultural uses of the outlying County while compensating the rural land owners for the right to do so. The concept of TDR is discussed later in this chapter.

DISTRICT LAND USE PLANS

Overview and Background

In the mid 1990s, the County created 10 planning districts as shown on the map above. Advisory land use plans were prepared for seven of the 10 districts. The Animas Valley District had previously established a plan that was subsequently codified and incorporated in the land use code making the plan required rather than advisory. Each of the seven district land use plans are similar in format. The particular emphasis and character of each plan varies somewhat however. The underlying theme of all of the plans reflects a desire to maintain the existing qualities of each district

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while they grow.

Key Point: *The underlying theme of each district plan is to maintain the existing character of the district as it grows.*

Each plan was prepared with extensive input from the residents of each planning district. The plan preparation process spanned several years, during which time more than 100 district planning group meetings were held to solicit public involvement. ***The district plans are integral sub elements of this comprehensive plan.***

The District Land Use Plans Are Intended To:

- Provide guidance for County staff, project applicants, residents, business owners, service providers, and elected and appointed officials in determining preferred land use types and intensities for properties within the planning districts.
- Help direct growth to specific areas that are capable of accommodating it in a manner that reinforces the goals of each particular district.
- Influence site planning and design in a manner that promotes the goals of the individual districts.
- Direct the provision of services by the County government and other entities.
- Assist planning efforts of the County’s municipal jurisdictions, tribal governments, and federal and state land management agencies by providing them with a vision of preferred development patterns along their borders.

At the time as when the plans were being prepared, residents from the Fort Lewis Mesa District and the Southeast District expressed concern with the concept of mapping preferred future land uses. They expressed a preference for not creating traditional plans for their districts. As an alternative, the Fort Lewis Mesa District established a mission statement and project review checklist. The Southeast District undertook a similar approach. Since that time, development proposals in these districts have been guided solely by the land use code and State Statute. With limited development pressures in these districts, this approach has appeared to work adequately. However, with the potential for a consistent and viable source of water becoming available to these districts at some point in the future, development pressures will likely increase and result in difficulties using the checklist approach only.

Key Point: *The County should work with the Fort Lewis Mesa and Southeast districts to establish district land use plans.*

District Plan Review and Analysis

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While the comprehensive plan is intended to uphold the goals and visions established within each of the district plans, it is also intended to refine and add clarity to them, focusing on areas of the plans that have proven problematic to administer over the years.

The Review and Analysis of the District Plans Is Separated into the Following Categories:

- Issue Clarification
- Public Benefit Criteria Process
- Plan Review Procedures

Issue Clarification

The district land use plans have provided guidance for review and approval of many projects. However, after several years of application, a number of issues have been identified that need clarification and/or augmentation. Additionally, since the plans were adopted over a period of several years, there is also a need to unify the treatment of similar issues among plans. This section contains recommendations that are intended to provide more certainty for project applicants and reduce the potential for subjective interpretations of specific plan provisions.

Topics Identified for Clarification Include:

- Clustered Development
- Open Space within Development
- Areas For Business Development
- Mixed Uses
- Public Facilities
- Park and Ride Lots
- Recreational Vehicle Parks
- General Definitions

Clustered Development: Cluster development is a form of residential development that concentrates lots on only a portion of the development parcel in order to preserve rural character, agricultural uses, wildlife habitat and other open space values. By reducing the size of the lot or the building envelope on each lot while also maintaining the overall density of the project, the developable area associated with the project can be concentrated on only a portion of the development parcel thus leaving some land undeveloped. While the district plans all encourage cluster development as a means of preserving rural character and open space, none provide guidance as to what makes an effective cluster design to achieve these goals.

This section of the plan is intended to provide some very general design guidelines for determining what an appropriate cluster development may look like. It is not intended to be a comprehensive cluster guide, but an overview of concepts.

Key Point: *The County should create a comprehensive cluster design guidebook*

Because of the unique development patterns in La Plata County, clustered development may need to be treated differently depending upon the size of the development. Be it developments having a small number of lots, say, five or less, and those having a large number of lots. While five is not

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a hard and fast rule, typically subdivisions having five or fewer lots are characteristic of a projects that may have difficulty undertaking some of the traditional approaches to cluster development. None-the-less, many of the design guidelines presented herein may be appropriate for both types of subdivision

Important Elements of a Cluster Development Include:

- Preservation of existing natural features
- Preservation of open space adjacent to existing roadways
- Screening new housing with topography, or existing and/or new vegetation
- Preservation of sufficient open space for viable wildlife habitat

Preservation of Existing Natural Features– Efforts should be taken to preserve as much of the existing natural features of the development site as possible so to minimize the visual effects of the new development on adjoining land uses.

Preservation of Open Space Adjacent to Existing Roadways-- Since the perception of rural character is largely a function of what motorists in passing cars see, the preservation or enhancement of the view of the development from the adjacent public roadway is critical. Significant minimum setbacks from the roadway can go far in protecting the rural character. If these setback areas do not contain existing vegetation or topographic features sufficient to significantly screen the houses, it is essential that vegetation, preferably native, be added to screen the development from the road.

Key Point: *Significant minimum setbacks from the public roadway and adequate vegetation can go far in protecting rural character.*

Screening New Housing with Topography, or Existing And/or New Vegetation-- A good local example of significant setbacks and screening can be found in Durango West II. While not a traditional cluster development, it incorporates a naturally landscaped setback from the highway of approximately 200 feet along its southern boundary that provides both passive recreational open space for trails and an effective buffer to minimize the visual impact of the development from the highway. It should be recognized, however, that due to the varied terrain and vegetation found throughout La Plata County, no one specific standard can be applied to all clustered developments.

Preservation of Sufficient Open Space For Wildlife Habitat–while open space objectives and layout considerations are discussed later in this section, it is important to note that wildlife corridors should be considered an important element of a well designed cluster development.

Key Point: *A menu of flexible design options and setbacks should be established that can be applied under varying circumstances to help protect rural character.*

While maintaining rural character is a critical element of a clustered development, ***the design and layout of the homes on the site (cluster groupings) within the overall development is equally critical to a successful clustered development.***

As shown in Cluster Diagram No. 1, by limiting the size of each cluster group—to say 10 units or less

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per cluster group; by requiring open space within each cluster group, and by requiring cluster groups to be separated from one another by open space, it is possible to locate each lot in the development adjacent to some form of open space. While this approach will help to preserve rural character and offer residents accessibility to the open space parcel, it will not automatically serve to protect wildlife corridors, agricultural lands, or other unique natural feature unless these issues are specifically taken into consideration during the design phase.

Diagram No. 1

Diagram No. 2

The main objective of Cluster Diagram No. 2 is the preservation of agricultural land. As you can see, a slightly different approach is taken. Houses are grouped near one another on the remnant parcel, that is, that portion of the development parcel not being used for agricultural purposes. When possible, the houses should also be placed so as to limit views from the adjacent public roadway.

As you can see by the above examples, there are a number of issues to consider when evaluating the merits of a clustered development proposal. First, and probably foremost, ***is the open space objective***. What has traditionally been the case in La Plata County is that most open space designations are intended to protect agricultural lands, wildlife corridors, view corridors, or other unique natural features. ***It is this issue that should determine the location of the houses, or cluster groups, on the parcel***. For instance, if the objective of the open space is to preserve unique natural features, the homes should be located in general proximity to one another and away the natural feature as shown in Diagram No. 3 below. If the objective is to preserve an agricultural parcel, the approach would be similar—locate the houses near one another but away from the agricultural parcel.

Key Point: The objective of the open space designation should help to determine the location of the houses on the parcel.

Secondly, ***should the lands identified as open space be maintained in common ownership?*** or should the subdivision have platted building envelopes that allow development on only a portion of the lot and individual ownership of portions of the open space. With large cluster developments, common ownership of the open space should be required to ensure the preservation and maintenance of the open space as originally envisioned. ***In cluster developments that are limited in the number***

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of total lots, as we typically see in La Plata County, a joint management agreement between individual owners may suffice. The individual ownership approach has been common practice in the past in La Plata County and does serve as a pragmatic means of ensuring that open space is provided in limited-lot subdivisions while also eliminating the need for common ownership. There are pitfalls associated with this approach however. In particular, unless there is a management agreement established for the entire area designated as open space, there is no assurance that once the development is occupied that the open space will be maintained for such things as weed control, or the protection of wildlife habitat or unique natural features.

Key point: *It is clearly preferable to have common ownership of the open space, or a joint management agreement to ensure that the open space objective is maintained.*

Diagrams No. 3 and No. 4 below explore the concept of ***limited-lot cluster subdivision*** a bit further by showing what should, and should not, qualify as limited-lot clustered subdivision. Diagram No. 3 shows a design that effectively utilizes clustering in a way that protects maximum functional open space, unique natural features, and views from the adjacent public roadway. In this example, the lots sizes are smaller and building envelopes are established in general proximity to one another. It should qualify as clustering. Diagram No. 4, on the other hand, fails to achieve the intent of clustering. The development parcel is split into four large lots and the placement of building envelopes has little relationship to the open space parcel, view corridors or natural features. Without some consideration for these issues, this example should not be considered as a limited-lot cluster subdivision.

Diagram No. 3

Diagram No. 4

Open Space Designations within a Development: A number of issues relative to open space within a clustered development have already been presented. However, since properly designed cluster developments are very much a function of the open space that is being preserved, further discussion is needed. ***This section will only deal with open space as it relates to a development.*** Open space preservation as a broader category, one that is intended to identify and preserve certain environment features or other lands in the community but occurring outside the development process, will be addressed in a later element of the plan.

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Land Designated as Open Space Should Be Consistent with the Following:

- **Open space should, in general, be contiguous:** The purpose of contiguity is to ensure that open space areas are large enough to be functional as agricultural parcels or wildlife habitat. They do not merely consist of numerous isolated pockets of land that were otherwise unusable for development purposes. Certain smaller remnant parcels may be included in the overall open space designation when the remnant parcel is intended to preserve a unique natural feature such as a wetlands or tree stand or when serving as a landscaped buffer or playground area for children.
- **Open space should be held in a single ownership:** As mentioned previously, while management agreements can sometimes serve the same purpose, ideally the title to the open space parcel should be held by a party that can ensure ongoing maintenance and management such as a land trust, homeowners association, or other single ownership entity.
- **Uses of Open Space Should Be Limited to Agricultural, Conservation, or Passive Recreation.**

Open Space Uses Within a Development May Include:

- **Environmental Features** - wildlife habitat protection, flood control, water quality protection, and visual buffering from roads or between developments and recreation; or certain other features such as landscaped cul-de-sac islands;
- **Agriculture** - except those higher-intensity agricultural uses requiring Class II land use permits such as intensive animal production or processing facilities;
- **Limited Structures** - limited agriculturally related structures such as barns, well houses, and stables may be considered appropriate but should be kept to a minimum. Fencing should be prohibited except as necessary for agricultural uses;
- **Passive Recreation** including such things as trails, fishing, and undeveloped picnic areas (Refer to *Chapter 11: Parks, Recreation, and Trails* for discussion of active recreation)
- **Roads** - driveways and road cuts should be minimized and placed, when feasible, on the edge of the open space;
- **Open space tracts should be of an appropriate width:** An important aspect of open space is that it has a “natural” character. The appropriate minimum dimension is related to its use. For example, a meadow or hay field should be large enough to turn around farm equipment and to irrigate. On the other hand, a natural stream corridor, or trail access, can be relatively narrow and still have a natural character.
- **Management of open space:** The easement or title that creates an open space parcel will incorporate management objectives and commitments, and provisions for monitoring and enforcement. Commitments need not be onerous, but they should be recorded into property deeds and on the subdivision plat when created. Such restrictions should provide enforceable

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and unambiguous guidance for the long-term management of open space.

Management Commitments May Include Such Things As:

- Fencing prohibitions or restrictions;
- Allowable uses;
- Allowable structures; location and size;
- Maintenance requirements for noxious weeds, irrigation ditches; fire hazard prevention, etc.;
- Commitments to vegetate with appropriate plants immediately after grading, filling, road construction and other types of ground disturbance;
- Locations for and restrictions on public access.

Subdivisions having a limited number of lots: As suggested earlier, establishing single ownership and/or management entities for open space areas designated within a subdivision having a limited number of lots/owners, while preferable, can be onerous. It is for this reason that designating building envelopes and open space areas on each parcel has become an accepted alternative for preserving open space within limited-lot subdivisions.

Key Point: *The platting of building envelopes on individual lots with the remaining lands designated as the open space has become an accepted, yet less effective, means of preserving open space.*

None-the-less, even under this scenario, many of the same management criteria could apply with the establishment of a homeowners association or management agreement. Another component of the open space issue relates to how much land should be dedicated as open space in order to receive a district plan density bonus. Each district plan has an established threshold for the bonus but each is also different to one another. This issue will be further evaluated later in the section of this chapter that addresses the public benefit criteria process.

Areas For Business Development: The district plans each address non-residential land uses differently. With few exceptions, the designation of land for non-residential uses in the plans was based primarily upon uses already in place at the time of plan adoption. The few exceptions are areas in Grandview, Gem Village and on the Koshak Mesa where larger tracts of undeveloped land were designated for business use, and where central services are likely to be in the future. Since the adoption of the plans, the County has received, and granted, a number of individual requests to redesignate specific parcels for business development. This has not, however, fulfilled the apparent demand. The business community has expressed interest in seeing the establishment of additional areas designated for non-residential uses.

Key Point: *An analysis of existing non-residential land uses and plan designations should be undertaken to identify available lands or land deficiencies associated with such uses.*

This analysis should focus on areas where central services already exist or may be feasible in the

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future development, such as in and around areas appropriate for growth hubs.

Mixed Use Land Use Classification: The *mixed use land use classification* is included in the Florida Mesa, Bayfield and Vallecito district land use plans. Areas designated as mixed use include: portions of Grandview, Gem Village, and northwest of Vallecito Reservoir. The mixed use classification is *generally defined as a transition area between residential and commercial uses*. The mixed use designations vary slightly among the district plans with regard to underlying residential densities as well as the allowable non-residential uses.

During the district planning process, the mixed use classification was applied only in areas already having a mix of residential and commercial uses and where no new or expanded mixed use areas were envisioned. Since the adoption of the plans, however, the County has received, and granted, requests to establish additional mixed use areas. This has resulted in new isolated pockets of mixed land uses, running counter to the intentions of the plans and the definition of the mixed use classification.

As an alternative to applying the mixed-use classification to new areas, a similar effect can be achieved with less potential for conflict by carefully delineating the proposal area with “non-residential” and “residential” land use classifications.

Key Point: As an alternative to creating new mixed-use areas, a similar effect can be achieved with less potential for conflict by carefully delineating the proposal area with “local commercial” and “residential” land use classifications.

For example, the first tier of parcels fronting a highway or main road might be designated local commercial or light industrial, while the second tier of parcels could be designated medium-density residential. *For areas being proposed for development that already have a mixed use classification*, requiring specific mitigation standards and uses could lessen impacts on surrounding land uses.

Key Point: The mixed use classification should be refined by adding specific development and mitigation standards, and allowable uses, so to lessen impacts on surrounding residential land uses.

Refinement of the Mixed Use Classification Could Include:

- Establishing standards for maximum building size and minimum setbacks to residential structures;
- Limiting non-residential uses to minimum impact uses such as office, service and limited retail to minimize the potential for conflict with less intensive surrounding uses;
- Establishing lighting, landscaping, buffering, and signage standards; and
- Establishing criteria for determining the mix of commercial uses allowed (the Vallecito Plan may serve as a good model with its mixed Residential/Accommodations classification).

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Recreational Vehicle Parks: The district plans do not specifically address RV parks as a land use classification. Such uses are neither traditional commercial or residential uses. They are also different than mobile home parks, which are treated as residential subdivisions in terms of density.

Key Point: *RV Parks are probably most similar to lodging, campground or country tourist land use classifications and should be allowed in areas classified for such uses. RV parks should also be allowed in other commercial areas.*

Public Facilities: Several of the district plans include language stating that public facilities are allowable in all areas provided that they meet land use code requirements for compatibility. The Florida Mesa, Vallecito, Florida Road and North County plans should be made consistent by including language stating that public facilities may be appropriate in any area subject to an approval of a plan amendment and land use permit.

Key Point: *Public facility uses may be compatible with most land uses provided that the site is adequately buffered from adjacent properties to mitigate impacts.*

Park and Ride Lots: The La Plata County Transportation Plan has identified generalized locations suitable for park and ride lots. Such facilities are compatible with most land uses provided that the site is adequately buffered and set back from adjacent properties and has good access to the arterial highway system. As such, park and ride lots should be allowed within any land use classification contingent upon receiving approval for a Class II land use permit. No plan amendment should be required.

Park and Ride Lots Should:

- Share parking lots that receive mostly evening or weekend use;
- Not be located on intersection corners (reserve for buildings);
- Have hard surfaces that minimize dust; and
- Be designed with adequate landscaped buffers and drainage

Key Point: *Park and ride facilities may be compatible with most land uses provided that the site is adequately buffered and set back from adjacent properties and has good access to the arterial highway system.*

General Definitions: Each district plan has a set of land use classifications which identify preferred uses and densities. In many cases, however, determining allowable uses is left to subjective interpretation due to a lack of specificity. In order to ensure consistency in application of uses allowable in each classification, definitions should be refined for each classification. The definitions should not be considered exclusive to only those uses listed but should clarify the intent of each classification while establishing a baseline from which other uses could be considered.

Key Point: *To ensure consistency in application of uses allowable in each land use*

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classification, definitions should be refined to clarify the intent of each classification.

Public Benefit Criteria Process

The public benefit criteria density bonus process was established as an incentive program within the district plans to allow for higher residential densities to occur if certain public benefits were provided as part of a project. Each district plan is slightly different in how density bonuses are determined and awarded. Each has similarities though, especially as they relate to clustering development to protect open space and other natural features. There is, however, a lack of detail in each plan relative to what is meant by clustering, open space, trails, ridge lines, etc. This has resulted in case-by-case interpretation of the density bonus criteria.

Key Point: The public benefit criteria process in each district plan should be refined to ensure consistent and objective application of the bonus criteria.

The application of the clustering and open space guidelines provided earlier in this chapter will help to lend specificity to the public benefit criteria process relative to those issues. The County Trails Plan also provides guidance relative to new development and should be incorporated by reference into the public benefit criteria section of each plan that addresses trail issues.

Additionally, there may be opportunity to improve upon the process by adding additional, alternative public benefit criteria that allow for density bonuses beyond 100 percent. Some, but not all, of the plans have density bonuses available for providing affordable housing. This should be expanded upon for all districts. Other possible alternatives include the provision of sewer and water, paved road, internal neighborhood commercial uses, mass transit opportunities, public facility sites, etc. By assigning bonus values to an assortment of public benefit alternatives, a development proposal could choose among a menu of alternatives to reach a desired density, with a maximum density bonus of, say, 150 percent being established.

Key Point: The public benefit criteria process should be expanded to provide developers with further incentive to add amenities to a development, enhancing the overall quality of the project.

Plan Review Procedures

The district plans were completed in the mid-to-late 1990s. At that time, a process was established for modifying the plans based on citizen request, be it a project-specific need or general amendment based on a changing environment. A later change to this process provided for semi-annual plan amendment hearings to occur in March and September.

Key Point: The criteria by which plan amendment are considered should be more clearly defined.

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The amendment process as written does not identify a specific time frame for comprehensive reviews to evaluate the “big picture” changes that may have occurred since a plan’s original adoption. Typically, community plans are revisited every five to 10 years in most communities.

Key Point: For the district land use plans to be effective tools for directing growth in the County, each plan should be re-evaluated on a periodic and consistent basis.

Key Point: La Plata County, having seven district plans and one zoning plan in place as of 2001, should establish an evaluation schedule of one plan per year on a rotating basis. This would allow for a comprehensive revision of each plan approximately every seven years.

This approach, while providing a schedule to revisit each plan, does not address the question of which plan gets revisited when. Based on development pressures occurring in the County, it is recommended that the Florida Mesa Plan and the Animas Valley Plan receive reviews prior to others. Additionally, efforts should continue to develop plans for the Southeast La Plata district and the Fort Lewis Mesa district. The balance of plan reviews should be based on need and interest.

LAND USE CODE

Overview

The Land Use Code is the primary means by which the comprehensive planning goals of the County are implemented. It is therefore critical that any changes in planning policy as outlined in the comprehensive plan and elsewhere are accurately reflected in the Code. The following discussion is not intended as a detailed analysis of the Code. It is however a brief history of the Code as well as a discussion of several issues that should be considered prior to any Code revisions.

Background

In 1990 La Plata County adopted a land use permitting process, currently titled “*La Plata Land Use Code*”, to guide its review of subdivisions and development. The Code was prepared as a follow up to the 1990 adoption of the “*La Plata County Comprehensive Land Use Plan - Element 1: Policy Plan*”. The development review process envisioned in the Plan, and subsequently outlined in the Code, has since undergone a number of revisions but still remains largely based on the concepts of compatibility and the mitigation of impacts.

In 1990, planned land uses were not designated on district maps. In fact, the whole premise behind the Plan and the Code were to not designate land uses at all but to ensure compatibility between adjoining land uses by mitigating negative impacts such as excessive noise, lighting, dust, etc. This approach was very much a reflection of the historically strong perspective in the County relative to private property rights and individual freedoms. It was felt at the time that by establishing performance standards for new development, flexibility in use of one’s land would be maintained

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while ensuring that impacts to neighbors would be minimized.

As the mid 1990s approached, however, a shift in attitudes was emerging. This new sentiment suggested that mitigating the impacts of development on neighbors, while critical, was only addressing part of the issue. An important piece seemed to have been overlooked. It was felt that without some type of county-wide organization of what types of uses went where, that cumulative community-wide impacts would be overlooked, and providing essential services in the County would become more difficult and expensive. As a result, a new comprehensive planning process was undertaken. By 1997, the County had established 10 planning districts, eight of which established land use plans to guide growth by identifying preferred land use types and densities within their district.

The designation of preferred land uses throughout most of the County has indeed resulted in a more organized pattern of development for service delivery, and has also provided a degree of certainty for land owners and developers. Unfortunately, the land use code, which was originally established upon the notion of compatibility and impact mitigation rather than use designation, was never revised to truly reflect this change. An additional factor is that State Statute dictates that land use plans are advisory only, and that the land use code is the primary, legally enforceable means by which development proposals are reviewed and processed. What this has resulted in is a unique blend of two distinct approaches to land use administration that sometimes do not work well as one system.

Key Point: The La Plata Land Use Code, established as a performance-based system based upon the notion of compatibility and impact mitigation, rather than use designation, was never revised to appropriately reflect the changes established by the district plans.

Revision of the Land Use Code

With the difficulty in blending the existing land use code with the district plans, it is critical that a comprehensive revision of the code be undertaken. The question of whether the County should refine its existing performance style code or move towards a more traditional zoning system has likely already been answered by the historically strong preference for a flexible land use system. A traditional zoning system may provide for more certainty in allowable uses, densities and land values but it would be quite rigid, and inflexible to the incentive-based land use system of La Plata County.

A number of code revisions have already been identified that would provide for a far more functional integration of the code with the district plans. These changes would likely improve the overall function of the code for areas that do not have plans as well. Revising the code in its current style, as a performance-based system, will allow for a continuation of the flexibility that is currently found in the code and the plans. It is yet to be seen, however, whether this type of revision would improve the County's ability to implement such progressive tools as purchase and/or transfer of development rights programs which rely heavily upon regulatory-based densities to determine land values.

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Key Point: A comprehensive code revision must be undertaken in order for the Code to work more effectively with the district land use plans.

OTHER LAND USE CONSIDERATIONS

Several other growth management tools are introduced here for consideration. They are programs that have been used effectively in other communities but are not currently being utilized, or are underutilized, in La Plata County. This list is intended as a brief overview only. Thought should be given towards whether a thorough evaluation of these programs should be undertaken to determine whether they could prove effective in La Plata County.

Capital Expansion Fees

Colorado State Statutes authorize statutory counties such as La Plata to collect certain narrowly defined capital expansion fees such as fees-in-lieu of school and park land dedication, or road impact fees. They are a one-time charge assessed on new development that is intended to ensure that the new development will pay for at least a part of the cost of the capital facilities needed to serve it. Capital expansion fees must be specifically tied to the impacts of development on public facilities, and must be used to provide or improve facilities that benefit the development in question. In order to meet the legal requirements, a careful analysis of existing conditions and the public facility needs which are attributable to the new development must be undertaken. La Plata County uses capital expansion fees on a limited basis. School fees-in-lieu are collected, as are road impact fees associated with certain development.

Transfer of Development Rights (TDRs)

A transfer of development rights program creates a mechanism by which a property owner can transfer a predetermined amount of development “right” from one parcel to another. Rather than developing a specific site, the development rights associated with that site are transferred to another site, where the development then occurs. This allows more intensive development on the second site than would have originally been allowed previous to the transfer. It also removes the right to develop the transferred rights on the original site. A variety of different approaches to TDR have been used effectively around the country to direct density, retain rural character, and protect unique natural features where desired.

Key Point: A Transfer of Development Rights study should be undertaken to determine the feasibility of such a program in La Plata County

Purchase of Development Rights (PDRs)

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A purchase of a development rights program is similar to a transfer of development rights program in that it is premised on the idea that every piece of property has a specific number of development rights or allowed housing units which can be defined and quantified. However, instead of transferring the right to develop to a different parcel, the rights are purchased outright as a tool for eliminating the ability to develop all or part of the parcel. The PDR approach to preserving undeveloped land is a less technical approach than the TDR approach but it tends to be very expensive due to the outright purchasing of rights rather than the transferring of them.

Key Point: Growth management programs used in other areas should be evaluated for consideration in La Plata County.

Summary of Goals, Key Points and Plan Recommendations

Goals

- Goal 3.1: To accommodate a growing population through the fair and consistent administration of a land use system that provides clear direction for private and public land use.
- Goal 3.2: To uphold the visions and goals established within each of the district land use plans.
- Goal 3.3: To periodically reevaluate and refine the district land use plans based on their visions and goals.
- Goal 3.4: To support Bayfield, Durango, and Ignacio in their efforts to expand commercial and residential development, and employment opportunities.
- Goal 3.5: To encourage growth hubs in the County that would provide opportunities for higher-density commercial and residential development, and employment centers.
- Goal 3.6: To support efforts to extend central services to growth hubs and other areas envisioned for higher densities in the district plans.
- Goal 3.7: To support efforts to create a rural water system to serve areas consistent with the district plans.
- Goal 3.8: To encourage the preservation of contiguous open lands in La Plata County

Key Points

The ***Key Points*** presented in this chapter are summarized below. Many, but not all, should be considered ***Action Items***--specific actions that must be taken in order to implement the plan.

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- T The Land Use Element is intended to uphold the visions and goals of the district land use plans while guiding future growth in the County.
- T The challenge is to adequately and cost-effectively meet new service demands while not disproportionately placing the cost associated with new development on existing residents.
- T The qualities and character that make the County unique, and economically stable, must be maintained as new development is accommodated.
- T Overlapping areas of influence near Bayfield, Durango and Ignacio should be clearly defined and conflicting issues and processes should be resolved and agreed upon via joint planning efforts and intergovernmental agreements.
- T Coordination between service providers and the County should be established and/or strengthened to ensure that the County district land use plans are adhered to during the provision or expansion of central services.
- T The growth hub concept is not intended to encourage the proliferation of unplanned and scattered high-density development in outlying parts of the County but to allow for strategically located growth areas.
- T The strengthening of growth hubs in the County, including Bayfield and Ignacio, will help to lessen the reliance on the City of Durango as the primary source of employment opportunities, goods and services in the County.
- T Project proponents should recognize the potential for additional on-site development as services become available and design their initial site plan accordingly.
- T The underlying theme of each district plan is to maintain the existing character of the district while it grows.
- T The County should work with the Fort Lewis Mesa and Southeast districts to establish district land use plans.
- T The County should create a comprehensive cluster design guidebook.
- T Significant minimum setbacks from the public roadway and adequate vegetation can go far in protecting rural character.
- T A menu of flexible design options, buffering standards, and setbacks should be established that can be applied under varying circumstances to help protect rural character.
- T The objective of the open space designation should help to determine the location of the houses on the parcel.
- T It is clearly preferable to have common ownership of the open space, or a management agreement to ensure that the open space objective is maintained.

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- T The platting of building envelopes on individual lots with the remaining lands designated as the open space has become an accepted, yet less effective, means of preserving open space.
- T An analysis of existing non-residential land uses and plan designations should be undertaken to identify available lands or land deficiencies associated with such uses.
- T As an alternative to creating new mixed-use areas, a similar effect can be achieved with less potential for conflict by carefully delineating the proposal area with “local commercial” and “residential” land use classifications.
- T The mixed use classification should be refined by adding specific development and mitigation standards, and allowable uses, so to lessen impacts on surrounding residential land uses.
- T RV Parks are probably most similar to lodging, campground or country tourist land use classifications and should be allowed in areas classified for such uses. RV parks should also be allowed in other commercial areas.
- T Public facility uses may be compatible with most land uses provided that the site is adequately buffered from adjacent properties to mitigate impacts.
- T Park and ride facilities may be compatible with most land uses provided that the site is adequately buffered and set back from adjacent properties and has good access to the arterial highway system.
- T To ensure consistency in application of uses allowable in each land use classification, definitions should be refined to clarify the intent of each classification.
- T The public benefit criteria process in each district plan should be refined to ensure consistent and objective application of the bonus criteria.
- T The public benefit criteria process should be expanded to provide developers with further incentive to add amenities to a development, enhancing the overall quality of the project.
- T The criteria by which plan amendment are considered should be more clearly defined.
- T For the district land use plans to be effective tools for directing growth in the County, each plan should be re-evaluated on a periodic and consistent basis.
- T La Plata County, having seven district plans and one zoning plan in place as of 2001, should establish an evaluation schedule of one plan per year on a rotating basis. This would allow for a comprehensive revision of each plan approximately every seven years.
- T The La Plata Land Use Code, established as a performance-based system based upon the notion

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of compatibility and impact mitigation, rather than use designation, was never revised to appropriately reflect the changes established by the district plans.

- T A comprehensive code revision must be undertaken in order for the Code to work more effectively with the district land use plans.
- T A Transfer of Development Rights study should be undertaken to determine the feasibility of such a program in La Plata County
- T Growth management programs used in other areas should be evaluated for consideration in La Plata County.

Plan Recommendations

Plan recommendations have been included throughout this chapter. They should be implemented through the prioritization and initiation of action items. The *Action Items(AI)* summarized below are drawn, in part, from the *Key Points*. They are incorporated into an *Action Item Prioritization Table* included in Chapter 12.

- AI3.1:** Define overlapping areas of influence near Bayfield, Durango and Ignacio; and establish consistency between plans and processes.
- AI3.2:** Coordinate with service providers to established and/or strengthened recognition and adherence to district plans during the provision or expansion of central services.
- AI3.3:** Establish criteria for developing and/or expanding growth hubs.
- AI3.4:** Work with the Fort Lewis Mesa and Southeast districts to establish district land use plans.
- AI3.5:** Create a menu of flexible design options, buffering criteria, and setbacks that can be applied under varying circumstances to help protect rural character. This could be undertaken as part of a comprehensive cluster design guide.
- AI3.6:** Analyze existing non-residential land uses and plan designations to identify available lands or land deficiencies associated with such uses.
- AI3.7:** Refine the mixed use land use classification by incorporating specific development and mitigation standards, and allowable uses, so to lessen impacts on surrounding residential land uses.
- AI3.8:** Clarify land use classification definitions to ensure consistency in application of uses allowable in each classification.
- AI3.9:** Refine the public benefit criteria process in each district plan to ensure consistent and

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objective application of the bonus criteria.

AI3.10: Expand the public benefit criteria process to provide developers with further incentive to add amenities to a development, enhancing the overall quality of the project.

AI3.11: Reevaluate each district land use plan on a regular basis to ensure that each plan is effective at appropriately directing growth in the County.

AI3.12: Undertake a comprehensive revision of the Land Use Code.

AI3.13: Evaluate growth management programs used in other areas. In particular, undertake an analysis of transferable development rights for use in La Plata County.

AI3.14: Work with San Juan Basin Health Department to review ISDS regulations.

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