



Land Use Code Revision: Module 1

Themes, issues & answers

January 9, 2018

Thank you for your interest & participation in the La Plata County Land Use Code revision process. We are pleased to present the community with this [draft first module](#) of the revised Land Use Code to update the current regulations governing development in the unincorporated areas of La Plata County.

We appreciate the comments you have submitted thus far – they are helping us with revisions to the draft. And we look forward to your ongoing suggestions for improving this first of three modules which, taken together, will revise and improve the Land Use Code to make it a useful guide for development in La Plata County.

Background

- La Plata County's current Land Use Code has been in place since 1987. When it was developed, the code was primarily designed to address small rural subdivisions and did not contemplate commercial or higher density residential development.
- In most instances, the code calls for evaluating proposed projects with a case-by-case analysis of impacts and compatibility with surrounding properties. That case-by-case analysis can make it difficult for property owners or developers to predict whether their project will be permitted.
- The Board of County Commissioners has made it a priority to craft a Land Use Code that improves and expedites the land use permitting process, provides predictability and encourages economic development and diversity throughout La Plata County.
- In response to community concerns about the length and expense of the land use permit application process, the county intends to simplify that process and provide certainty to applicants as to what development may be permitted - and where.
- Therefore, the revised code will offer improved predictability, certainty and an expanded list of land uses that will be available BY RIGHT to property owners.
- The land use code seeks to balance the divergent values and priorities of our diverse community.
- The code is in DRAFT form now: We want to hear your ideas for improving it so that we can be sure we capture the community's ideas and concerns.

What we've heard so far

Since releasing the code for public input in late November, we have heard a number of consistent themes and questions regarding specific provisions in the draft code. These include:

- **What it covers:** The revised Land Use Code covers development in the unincorporated areas of La Plata County. Unless a use is specifically prohibited by the code, it is allowed, either by right or subject to a land use permit. It is important to note, however, that other federal, state and local laws may apply.
- **Existing uses (“grandfathering”):** The new land use code will not affect what you are already doing on your property. It is meant to guide development going forward and will NOT disallow current uses unless those uses are already in violation and remain in violation once the new land use code is adopted.
- **Firearms, archery & hunting:** Private shooting and hunting is not affected by the draft land use code. The draft code allows indoor or outdoor public use shooting or archery ranges “by right” in industrial areas, but requires a special use permit on lots zoned Agriculture/Farm and Ranch or Agricultural Residential. And, if any shooting or archery range is proposed in the Scenic Overlay District, additional standards may apply. Staff has noted that while the land use charts describe this use as commercial, clarification is needed in the definition section.
- **Outside storage:** The code does contain proposed limitations on outside storage – including portable on-demand storage containers. This language can be modified through the process and your initial feedback has been helpful to informing revisions.
- **Private gatherings:** The draft revised code carries over language from the current code requiring permits for special events on private property, triggered by attendance and number of vehicles. This, like that for outside storage, is an excellent example of why community input is so important and helpful to the revision process. The draft language can be modified based on your feedback.
- **Design standards:** The first module of the draft code articulates development standards for various uses and areas throughout the county, and those standards in their stringency. In the Transitional Development Area – within a 3-mile radius from the city of Durango, the design and aesthetic standards for development are higher than in the rest of the county. These standards are in place under the current land use code and are intended to facilitate the annexation process if a property owner pursues that option.
- **Special use permits:** The proposed new code articulates three levels of allowable uses:
 1. Those that are permitted “BY RIGHT” provided they conform with all requirements of the land use code;
 2. Those that are allowed as a “Limited Use,” which requires Planning Department sign-off after conditions are met (these conditions will be articulated in the draft code);

3. Those allowed as a “Special Use,” which has a higher level of conditions and standards, including a public hearing. Those requirements will be determined in Modules 2 and 3 of the draft code.

The current code has very few uses permitted “by right” – in fact, the only such “by right” uses are traditional agricultural operations and the right to build a single-family home on a legal lot of record. There are also very few uses that can currently be approved through a “limited review.” The intent of the proposed draft code is to establish zoning that eliminates the ambiguity that currently exists in determining whether a land use is “compatible” with the surrounding area. However, because most of the County currently lacks centralized water and sewer and perhaps adequate access, limited or special use permits are necessary to ensure infrastructure exists to support the proposed use.

- **RVs:** The proposed code contains no language suggesting that the county will charge property owners for storing their RVs on property. Levying such a charge is beyond La Plata County’s land use authority.
- **Growing, storing & selling crops:** The draft code requires a special use permit only if a person wants to grow, store and sell vegetables directly from a property zoned “Suburban Residential” generally, residential lots from 3-10 acres. In other zones, this is a use “by right.” The draft code does not have requirements or limitations on growing and storing crops for personal use on these or any lots.
- **Equestrian facilities:** The draft code allows for equestrian facilities “by right” on properties zoned Rural Residential (generally, residential lots ranging from 5-20 acres).
 1. For larger agricultural and residential lots, equestrian facilities require an accessory use permit, available from the Planning Department.
 2. If the facility is to be located on a property zoned “Suburban Residential” (generally, residential lots from 3-10 acres in size), or “Semi-Urban Residential” (generally, residential lots from 1-5 acres in size), a Special Use Permit (with a public hearing) would be required.
 3. As drafted, the code will not allow equestrian facilities on commercial properties.

In light of public comment received on this issue, we have noted areas for improvement in this definition and its allowed use on certain types of lots. This section will be revised in future drafts of Module 1.

- **Alternative livestock:** The draft code lists keeping alternative livestock – which Colorado law defines as domesticated elk or fallow deer, but not wildlife - as a “by-right” use for conservation areas and agricultural/farm and ranch land. A special use permit would be required for keeping alternative livestock on lots zoned “Agricultural Residential,” (generally, residential lots of 35 or more acres). No domesticated elk or fallow deer are allowed on other types of lots.
- **Heavy equipment repair:** In the draft code, heavy equipment repair is allowed “by right” on properties that are devoted to farm and ranch, agricultural commercial and industrial uses,

but can be allowed on agricultural residential lots with a special use permit.

- **Salvage & storage:** The draft code proposes that commercial salvage and storage operations be allowed with a special use permit on industrial, agricultural commercial, agriculture/farm and ranch and agricultural residential properties.
- **Animal boarding & training:** Animal boarding and training is allowed “by right” on properties zoned Agriculture/Farm and Ranch, Agricultural Residential, Agricultural Commercial, and Industrial.
 1. The draft code does require a special use permit for boarding and training animals on properties zoned Rural Residential (generally, residential lots from 5-20 acres) or Auto-Urban Commercial.
 2. The code’s current draft does not allow animal boarding and training in other zoning districts.

Staff has noted the need for improvements in the language to ensure that the requirements are not overly restrictive.

- **Breweries & distilleries:** The new code proposes that distilleries, breweries and wineries would be allowed “by right” in six different zones, several of which are likely to have lots smaller than 35 acres.
- **Tiny homes:** The proposed code describes standards for tiny homes that some folks found too stringent. The allowance and regulation of tiny homes is new for the county so we welcome the community’s input on this topic. Your initial feedback has been helpful to informing revisions.
- **Zoning district maps:** The maps depicting the zone and overlay districts throughout La Plata County have not yet been developed and will come later in the process after the zoning district descriptions have solidified through public input and revision. We anticipate these maps to be available in mid- 2018.
- **Oil and gas:** The draft code does not address oil and gas regulations for La Plata County. The section of the current code pertaining to oil and gas operations (Chapter 90) will be placed into the new code, which has a new numbering system.